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JULY, 1913

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COMMUNICABLE DISEASES

AN ANALYSIS OF THE LAWS AND REGULATIONS FOR THE CONTROL THEREOF IN FORCE IN THE UNITED STATES

BY

J. W. KERR
Assistant Surgeon General
AND
A. A. MOLL, A. B.

PREPARED BY DIRECTION OF THE SURGEON GENERAL

WASHINGTON
GOVERNMENT PRINTING OFFICE
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COMMUNICABLE DISEASES.

AN ANALYSIS OF THE LAWS AND REGULATIONS FOR THE CONTROL THEREOF IN FORCE IN THE UNITED STATES.

By J. W. Kerr, Assistant Surgeon-General, and A. A. Moll, A. B.

Introduction.

In a previous publication [1] the provisions governing health organization in this country were described and commented upon. The primary object of health administration is the prevention and eradication of disease. The present bulletin is intended as a sequel to Public Health Bulletin No. 54, and has for its object to present a comparative statement of the provisions contained in Federal, State, and Territorial laws and regulations for the control of communicable diseases.

Theoretically speaking, all communicable diseases are preventable. An epidemic or an outbreak of disease is but a chain of infection, and the sanitarian can not help but aim at the destruction of the links which make the epidemic possible. If we except the few diseases common to the lower animals, it is universally admitted that it takes a sick person to make a well person sick. Could we make absolutely impossible direct or indirect communication between the sick and the well, the infecting chain could not be established and communicable diseases would be prevented.

This principle underlies all sanitary legislation, even that enacted before recent discoveries furnished correct ideas as to the etiology of some diseases. There is no use denying that many of the State health laws yet in force have to be stretched to the breaking point to cover actual conditions. Often they are still a legacy of times when the country was but sparsely settled, the large cities of our day were undreamed of, rapid intercourse was unknown, and disease, usually yellow fever or smallpox, came only over the State borders or the seaports. Many of these laws apparently contemplate only epidemics from the outside, and all the measures advised or prescribed refer only to that contingency. In some States the curious spectacle is often seen of acts drawn in accordance with the principles of modern sanitation standing side by side on the statute books with unre-

[1] Public Health Bulletin No. 54.

pealed provisions dating from the age when malaria was believed to be transmitted by emanations, yellow fever by fomites, and typhoid fever by sewer air.

In such obsolete laws all the emphasis is placed on the quarantine of infected or suspected persons and the purification or destruction of personal belongings, while little, if any, attention is given to the living creatures, mosquito, fly, or rat, and the substances, milk, water, food, excreta, which even after rigid isolation is imposed may convey the infection abroad. Little stress is likewise placed on these preventive measures which make epidemics practically impossible. The value of personal hygiene and civic sanitation was not sufficiently recognized in those days.

It is different with most of the regulations adopted by the State health authorities, as these have been prepared by trained sanitarians, familiar with the most recent knowledge in regard to the etiology and epidemiology of disease. But even in these regulations, striking discrepancies between the various States are often observed, caused undoubtedly by the fact that while some health authorities have modified them to keep abreast with subsequent discoveries, in other States they have been permitted to remain in the original form, despite the advance in sanitary matters.

While in some States [1] the campaign against communicable diseases is waged almost entirely on the lines laid down and the authority conferred by regulations of the State board of health, it is undeniable that there are evident advantages, as recognized in most States, in having the sanitary policy of a State expressed in unmistakable form by act of the legislature. Regulations adopted by health authorities may represent the best sanitary principles, but they are conclusions reached by a body of persons possessing knowledge not common to the mass of the citizens. Legislative acts, on the other hand, are only enacted after a discussion by laymen of the questions involved and carry with them an indorsement by public opinion and a moral force which regulations, except in emergencies, will seldom obtain. There is of course a special field in which regulations must prove of the greatest usefulness, and that is in prescribing technical details for the enforcement of the laws, or in meeting exceptional circumstances. The duration and degree of quarantine for each disease belong naturally to those details which can be best governed by regulation of the health authorities, while provisions requiring compulsory vaccination, medical school inspection, free distribution of antitoxin by local authorities, furnishing of disinfectants, assistance of quarantined persons, sanitary housing, etc., should obviously be incorporated in laws.

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[1] See p. 44, Public Health Bulletin No. 54.

In Public Health Bulletin No. 54 the statement was made that one of the great requisites for the protection of the public health consists in adequate appropriations for the use of health authorities. This is probably the weakest point in the machinery against disease in this country. No matter how complete and thorough health laws may be, they are practically of no value unless funds are provided to make them effective. It is not the acts on the statute books but those which are enforced which help the cause of sanitation. In one State which appropriates $25,000 in behalf of its State board of health, the law specifies that this amount shall be spent for 16 different purposes, each one of which would practically consume the entire fund; while in other States the size of the appropriation is such that it is almost tantamount to a declaration that no work is expected from the State board of health.[1]

A similar unfortunate situation prevails in local health administration.[2] A glance at the decisions rendered by the courts on sanitary matters reveals the fact that most of the cases originated in the attempt to evade liability for expenses incurred in the suppression of disease and the prevention of further disease. As one of the State supreme courts once caustically remarked, public bodies are often inclined to let motives of thrift interfere with those of humanity. Until these conditions are reversed, sanitarians will have to deplore the people's apparent determination to pay tenfold in treating disease what they refuse to spend for its prevention.

Using as a basis census figures, it may be very conservatively estimated that at least 25 per cent of the deaths in this country have for their direct or immediate cause communicable diseases.[3] This means at the very least over 300,000 deaths and (using the lowest possible ratio)[4] over 3,000,000 of cases of communicable and therefore preventable disease occur every year in the United States. While the prevention of all this sickness must remain a goal to be struggled for but not to be attained in the near future, there can be little doubt that much of it could be prevented immediately. In order to do this, however, it is necessary to have efficient Federal, State, and local health organizations and thorough cooperation among them, up-to-

[1] See p. 91-92.

[2] See p. 92.

[3] Even for the registration area the available data are neither complete nor accurate, as deaths from communicable diseases are often reported as due to organic troubles.

[4] The relation of death rates to morbidity rates remains a matter of almost pure conjecture. In the case of tuberculosis it is variously estimated as 1 to 5, 8, or 10, and in the case of typhoid fever as 1 to 10, 15, and even 20. For other diseases the ratio is even more problematical; in the case of scarlet fever, in 6 States, (see p. 13, Public Health Bulletin No. 59) there was in 1909 an average of 18.4 cases reported for each death recorded; in the case of diphtheria, an average of 9.2 cases for each death, and in the case of measles, 47.1 cases for each death. Yet in the District of Columbia in 1909, 589 cases of measles were reported for each death recorded, and in Richmond the ratio was over 800 to 1 in 1912.

It seems a fact that with the advance in methods of treatment, the ratio of morbidity to death rates is constantly lengthening.

date laws and regulations, and sufficient funds for their enforcement, and the support of citizens fully educated to the importance of sanitation.

SUPPRESSION OF DISEASE.

The prevention and suppression of disease depend principally on:

1. Health authorities.
   - (*a*) Federal.
   - (*b*) State.
   - (*c*) Local.
2. Physicians.
3. The people in general.

Duty of Federal health authorities.—It is the specific function of Federal health authorities to prevent the importation of communicable diseases and their spread in interstate traffic, to investigate their causation and prevalence, to advise State and local health authorities, if requested,[1] and to disseminate through literature, lectures, etc., the information collected by them.[2]

Duty of State health authorities.—The duties assigned by law to State health authorities comprise:

1. Maintaining a general supervision over the enforcement of health laws.[3]

2. To issue regulations for the prevention of the spread of communicable diseases.[4]

3. To investigate outbreaks of disease.[5]

4. To make laboratory diagnoses and studies.[6]

5. To enforce interstate quarantine,[7] intrastate quarantine,[8] and household quarantine.[9]

6. To distribute serums, vaccines, etc.[10]

7. To distribute educational literature.[11]

8. To cooperate with Federal and local health authorities.[12]

Duty of local health authorities.—The chief duties imposed by law on local health authorities are:

1. To enforce the health laws and the regulations of the State board of health.[13]

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[1] See pp. 51–52, Public Heal.h Bulletin No. 54.
[2] See pp. 26 *et seq.*
[3] See pp. 44–45, Public Health Bulletin No. 54.
[4] See pp. 42–44, Public Health Bulletin No. 54.
[5] See pp. 48 *et seq.*
[6] See pp. 51 *et seq.*
[7] See pp. 59 *et seq.*
[8] See pp. 60 *et seq.*
[9] See pp. 63 *et seq.*
[10] See pp. 79 *et seq.*
[11] See pp. 39–41, Public Health Bulletin No. 54.
[12] See pp. 44–52, Public Health Bulletin No. 54.
[13] See pp. 45–46, Public Health Bulletin No. 54.

2. To adopt regulations of their own for the control of disease, this provision being in some States [1] permissive and in others [2] mandatory.

3. To investigate cases of disease and make regular sanitary inspections.[3]

4. To make to the State health authorities immediate reports of cases of communicable diseases and periodical reports on local sanitary conditions.[4]

5. To enforce interstate quarantine,[5] intrastate quarantine,[6] and household quarantine.[7]

6. To assist quarantined persons.[8]

7. To furnish vaccines, serums, etc.[9]

8. To perform terminal disinfection.[10]

9. To attend conferences with the State board of health for concerted measures in the suppression of disease.[11]

Duty of physicians.—The most important duties of physicians are:

1. To report to the health authorities cases of communicable diseases coming to their knowledge.

2. To establish provisional quarantine of cases of communicable diseases until control is assumed by the health authorities.[12]

3. To placard infected premises.[13]

4. To use every possible precaution to prevent the spread of communicable diseases,[14] to obey the regulations adopted by health authorities for the government of isolation hospitals,[15] to give full instructions to nurses and attendants concerning prophylactic measures,[16] and to instruct attendants on cases of typhoid fever in methods of disinfecting excreta.[17]

5. To notify health authorities when the time for terminal disinfection has arrived,[18] and of termination of disease.[19]

---

[1] Arizona, California, Colorado, Delaware, Georgia, Idaho, Illinois, Louisiana, Mississippi, Missouri, Nevada, New Jersey, North Dakota, Ohio, Rhode Island, South Dakota, Virginia.

[2] Iowa, Kentucky, Maine, Maryland, Nebraska, Pennsylvania, South Carolina, Washington, West Virginia.

[3] See pp. 54, 55, 57.

[4] See p. 47 Public Health Bulletin No. 54.

[5] See pp. 60.

[6] See pp. 61.

[7] See pp. 62 *et seq.*

[8] See pp. 78.

[9] See pp. 79.

[10] See pp. 88 *et seq.*

[11] See pp. 76.

[12] District of Columbia, Georgia (where there is no health board), Idaho, New Hampshire (optional), Oklahoma, Oregon, South Carolina (outside of incorporated communities), Vermont.

[13] Kansas.

[14] Georgia, Idaho, Indiana, Louisiana, Nebraska, North Carolina, North Dakota, Ohio, Oregon, Tennessee, Utah, Vermont, Washington, Wisconsin.

[15] Colorado, Maine, Massachusetts, Michigan.

[16] Indiana.

[17] North Carolina (also cholera), Utah.

[18] Kansas, Tennessee.

[19] Connecticut, District of Columbia, North Dakota, Ohio, Wisconsin.

Duty of the citizens.—The duties imposed upon the citizens consist:

1. In observing the health laws, penalties being in practically all States provided for violations.

2. In not permitting or maintaining any condition which may transmit, generate, or promote disease,[1] or anything injurious to health,[2] or which may cause sickness.[3]

3. In reporting to the local health authorities cases of sickness occurring in their household or under their care.[4]

4. In not exposing themselves, if sick, in public assemblages or conveyances.[5]

5. In taking adequate precautions, if attending or nursing patients, to prevent the spread of disease.[6]

---

[1] Indiana.

[2] Alabama, Arizona, California, Colorado, Connecticut, Florida, Georgia, Idaho, Michigan, Mississippi, Missouri, Montana, Nevada, New Hampshire, New York, North Carolina, North Dakota Pennsylvania, Porto Rico, Rhode Island, South Dakota, Utah.

[3] Delaware, Hawaii, Iowa, Kansas, Maine, Maryland, Massachusetts, Minnesota New Jersey, Oklahoma South Carolina, Vermont, Virginia, Washington Wisconsin.

[4] Alabama, Arizona, California, Colorado Connecticut (if no physician is in attendance) Delaware, District of Columbia (if not reported by physician) Florida (if physician is not in attendance), Hawaii, Idaho, Illinois (if not reported by physician) Indiana (if no physician is in attendance), Iowa (if no physician is in attendance), Kansas, Kentucky, Maine Maryland, Massachusetts Michigan, Montana Nebraska (if no physician is in attendance), New Hampshire (if no physician is in attendance), New Jersey (if no physician is in attendance), New Mexico, New York (if no physician is in attendance), North Carolina North Dakota, Ohio, Oregon, Rhode Island South Dakota, Tennessee, Texas (if physician does not report) Vermont, Washington (only acute eruptive diseases, if no physician is in attendance), Wisconsin, Wyoming.

[5] See pp. 126, 127.

[6] Indiana, Louisiana, Maine, Minnesota, Nebraska, North Carolina, North Dakota, Oregon, Utah, Vermont.

FEDERAL LAWS.

The first Federal act relating to the public health was approved May 27, 1796, and authorized the President to direct the revenue officers and revenue cutters to aid in the execution of quarantine, and also in the execution of the health laws of the States. The act of February 25, 1799, while repealing the previous statute, required collectors of revenue, masters and crews of revenue cutters, and military officers to observe State health laws, and also to aid in the execution thereof, under the direction of the Secretary of the Treasury, who was authorized to conform customs regulations to the State laws governing quarantine. By the act approved July 13, 1832, the Secretary was authorized to employ additional revenue cutters and officers, if those then in service were deemed insufficient to aid in the execution of the State quarantine and health laws.

The authority of the Secretary of the Treasury in regard to quarantine was emphasized by the act of May 26, 1866, which gave him power to make quarantine regulations to aid State and municipal authorities in guarding against the introduction of cholera, and to use customs and revenue cutter officers for the enforcement of quarantine and to aid in the execution of the health laws of the States.

The need for a special corps to enforce the quarantine laws and the desirability of uniformity in their requirements and enforcement were becoming apparent, and by an act approved April 29, 1878, an attempt was made to meet this necessity by requiring consular officers abroad to furnish sanitary information, especially in regard to cholera and yellow fever, to the Surgeon General of the Marine-Hospital Service, who was charged with the duty, under the direction of the Secretary of the Treasury, of framing national quarantine rules and regulations, not in conflict with State or municipal laws or regulations.

National Board of Health.—During the following year, by an act approved March 3, 1879, there was created a National Board of Health, composed of seven members, appointed by the President with the consent of the Senate, and in addition, one medical officer of the Army, one of the Navy, one of the Marine-Hospital Service, and one officer from the Department of Justice, detailed by the heads of the respective departments. The duties of the board, as defined in the law, were:

"To obtain information upon all matters affecting the public health, to advise the several departments of the Government, the executives of the several States, and the

Commissioners of the District of Columbia on all questions submitted by them, or whenever in the opinion of the board such advice may tend to the preservation and improvement of the public health."

The board was also authorized—

"to make or cause to be made such special examinations and investigations at any place or places within the United States, or at foreign ports, as they may deem best, to aid in the execution of this act and the promotion of its objects."

The administration of national quarantine was with further powers vested in the board by the act of June 2, 1879. This act also limited its tenure of office to four years, and when this period expired on June 2, 1883, the board automatically went out of existence, it being finally abolished by section 9, act of February 15, 1893, chapter 114.

Prior to 1890, the prevention of the introduction and spread of contagious and infectious diseases had been chiefly left to the State and local governments, but it was gradually recognized that the Federal Government should assume greater responsibility in these matters, and the law of March 27, 1890, authorized the President to cause the Secretary of the Treasury to promulgate such regulations as in his opinion might be necessary to prevent the spread of cholera, yellow fever, smallpox, or plague from one State or Territory to another. This law relates only to the four diseases mentioned, and becomes operative only at such times as they exist and are in danger of spreading from one State to another.

It may be seen that the Federal legislation of 1796 and 1799 had been brought about by the widespread epidemics of yellow fever, while that of 1832, 1866, 1878, and 1879 had its origin in the actual or threatened epidemics of yellow fever or cholera of those years.

On account of the danger of the introduction of cholera in the early nineties, the first of a series of Federal acts was approved February 15, 1893, which established Federal supervision over maritime as well as interstate quarantine matters, while on August 7, 1882, the first "epidemic fund" was created authorizing the President to aid State and local authorities in suppressing threatened or actual epidemics. Cholera and yellow fever were specifically designated for suppression with this fund in the act of March 3, 1885, smallpox being added by the act of March 3, 1891, plague by the act of August 18, 1894, typhus fever by the act of June 28, 1902, and trachoma by the act of June 23, 1913.

Previous to this date, however, on December 21, 1878, an appropriation of $50,000 had been made to investigate the origin and causes of epidemic diseases, especially yellow fever and cholera, and study the best methods of preventing their introduction and spread.

Following the yellow-fever epidemic of 1905 an act was passed by Congress and approved June 19, 1906, to further protect the public health and make more effective the national quarantine. By its terms the Public Health Service finally assumed charge of maritime

quarantine operations at all Gulf ports to prevent the introduction of yellow fever and other quarantinable diseases, and was authorized to eradicate such diseases should they gain entrance.

The above-mentioned statutes and all subsequent Federal laws relating to the public health are in accord with that clause of the Constitution which gives to Congress the right to regulate commerce with foreign countries and between the States.

Foreign commerce.—Under the above-mentioned laws there was gradually developed the present maritime quarantine system, whose stations, with one or two exceptions, are operated by Federal officers. Under the act of February 15, 1893, regulations have been issued which automatically become operative on the occurrence of outbreaks of infectious diseases. The necessity of declaring quarantine against a particular foreign port is thus obviated, and uniformity of action at domestic ports is provided for.

Requirements at foreign ports.—The quarantine regulations referred to prescribe the measures that shall be observed at foreign ports, at sea, and at domestic ports to prevent the introduction of contagious or infectious diseases. At foreign ports these regulations are required by law to be enforced by American consular officers, or by medical officers of the United States Public Health Service detailed by the President for that duty at foreign infected ports. Such officers are required to report by cable or letter outbreaks of contagious and infectious diseases, make reports on sanitary conditions of their respective ports, and issue bills of health to vessels destined to the United States.

The officer issuing the bill of health is required to satisfy himself as to the efficacy of measures taken to insure freedom of the vessel, cargo, passengers, and crew from infection, and to certify that the regulations have been complied with.

Vessels, prior to stowing cargo or receiving passengers, are required to be mechanically cleaned in all parts, and any portions of the vessel liable to have been infected by any communicable disease must be disinfected before the issuance of the bill of health. The air space, ventilation, food and water supply, hospital accommodations, etc., must be in accordance with the provisions of the act of Congress approved August 2, 1882, regulating the carriage of passengers by sea. Presumably infected cargo is required to be disinfected, and passengers suffering from quarantinable disease or scarlet fever, measles, diphtheria, or other communicable disease are not allowed to sail. All baggage of steerage passengers destined for the United States is required to be labeled, and each steerage passenger is furnished with an inspection card.

At ports where cholera prevails special care is required to be taken to prevent the water and food supplies from being infected.

The shipment of certain food products is interdicted, and steerage passengers and crews are required to be held under observation 5 days prior to sailing.

At foreign ports where yellow fever prevails precautions are required to be observed to prevent the introduction of mosquitoes aboard the vessel, and where access of mosquitoes is liable, fumigation to destroy them is prescribed. Nonimmune persons who have been exposed to the disease are prohibited by the regulations from embarkation for 6 days after such exposure.

At plague-infected ports special precautions are required to be taken to prevent vermin and insects from getting aboard ship, and passengers exposed to infection are held 6 days.

Steerage passengers and crews from districts where smallpox prevails in epidemic form, or who have been exposed to smallpox, are required to be vaccinated before embarkation, unless they show satisfactory evidence of having acquired immunity to smallpox by previous attack or successful vaccination within one year, and their baggage inspected, and, if necessary, disinfected.

Steerage passengers and crews who, in the opinion of the inspecting officer, have been exposed to the infection of typhus fever are by the regulations forbidden to embark for a period of at least 12 days after such exposure, and until their baggage has been disinfected and the destruction of vermin assured.

No alien who is a leper may be permitted to embark for ports in the United States.

Requirements at sea.—Officers of vessels en route to the United States are required to observe specific regulations to preserve the health of passengers and crews aboard, and, in the event of outbreaks of disease, to take precautions to prevent its spread. The water-closets, forecastle, bilges, and similar portions of the vessel liable to harbor infection are required to be disinfected and frequently cleansed. Free ventilation and rigorous cleanliness are required to be maintained in all portions of the ship, and measures taken to destroy rats, flies, mosquitoes, and all vermin. Special regulations detail the measures that shall be taken to isolate cases of infectious diseases, to care for them, and to prevent the spread of infection to others on board. The preparation and preservation of bodies dead of communicable diseases are prescribed, and directions given for the preparation and use of disinfectants.

Requirements at domestic ports.—At all of the principal seaports of the United States are maintained quarantine and inspection stations, and on arrival at such ports from abroad, vessels are subject to quarantine surveillance. Inspections are required of all vessels from foreign ports except certain ports on the Canadian and Mexican border; any vessel with sickness on board; vessels from domestic

ports where cholera, plague, or yellow fever prevail, or where smallpox or typhus fever prevail in epidemic form; and vessels from ports suspected of infection with yellow fever, having entered a port north of the southern boundary of Maryland without disinfection, before entering a port south of that latitude during the quarantine season of such port.

The inspections of vessels required by the regulations are made during daylight except in cases of vessels in distress, and exceptions may also be made in certain instances in favor of fruit vessels carrying perishable cargoes, and regular line vessels carrying passengers.

In accordance with the regulations, inspections of vessels include examinations of the bills of health and clinical records of cases treated during the voyage, inspections of crews and passengers, examinations of manifests of cargoes, and sanitary inspections of different portions of the ship, including the living quarters. In the exercise of their authority, quarantine officers may take declarations and administer oaths.

No person except the quarantine officer, his employees, United States customs officers, or pilots may be permitted to board vessels until after quarantine inspection, and towboats or any other vessels having had communication with vessels in quarantine may themselves be subject to inspection.

After arrival at a quarantine station of a vessel carrying immigrants and upon which there has appeared during the voyage a case of cholera, smallpox, typhus fever, or plague, and after the necessary quarantine measures have been enforced, the regulations prescribe that the commissioner of immigration at the port of arrival shall be notified, and requested to transmit by mail or telegraph the destination of the several immigrants to State health authorities to enable them to maintain such further surveillance as may be deemed necessary. The regulations also require that local health authorities shall be notified of the existence of any communicable disease on board as soon after arrival as possible and before the discharge of such patients from the vessel.

The vessels required to be placed in quarantine are: Those with quarantinable diseases on board or having had such diseases on board during the voyage; any vessel considered infected with a quarantinable disease; any vessel arriving at a port south of the southern boundary of Virginia between April 1 and November 1 from a tropical American port, which is not known to be free from yellow fever; vessels arriving at ports north of the southern boundary of Virginia and south of the southern boundary of Maryland between May 15 and October 1, if from a tropical American port, which is not known to be free from yellow fever; vessels arriving at ports in the above-mentioned zones via a northern port, from a tropical American

port, known to be infected with yellow fever, unless 6 days have elapsed since the fumigation of the vessel at such northern port; vessels arriving at northern ports without sickness on board from ports where yellow fever prevails, and towboats and other vessels having had communication with vessels subjected to quarantine.

The general requirements at quarantine are prescribed in detail by the quarantine regulations to prevent the transmission of any infection from ships in quarantine to shore. In the judgment of quarantine officers, pilots may be detained in quarantine a sufficient time to cover the period of incubation of the disease for which the vessel is quarantined, and no communication whatever between quarantine and places outside may be had except under the supervision of the quarantine officer. Persons in quarantine are required by the regulations to be inspected twice daily, and scrupulous cleanliness is enjoined so as to prevent the spread of infection among the quarantined persons themselves. Convalescents are not allowed to be discharged from quarantine until after a sufficient time has elapsed to insure their freedom from infection, and the body of no person dead of a quarantinable disease other than yellow fever may be allowed to pass quarantine until one year has elapsed since death.

Special regulations are prescribed for the handling of each one of the quarantinable diseases. In the case of cholera, 5 days is fixed as the period of incubation. Bacteriologic examinations are required to be made under certain conditions for the detection of cholera cases and cholera bacillus carriers. The water and food supplies are required to be strictly guarded and only cooked foods are allowed to be served. Persons believed to be capable of conveying infection must be bathed and their baggage disinfected before entering the place of detention, and articles of cargo liable to convey infection and living apartments presumably infected must be disinfected.

In the case of yellow fever, 6 days is prescribed as the period of incubation. When a vessel arrives on which a case of yellow fever has occurred during the voyage, all persons are required to be carefully examined and their temperatures taken. The sick must be immediately disembarked, protected against the bites of mosquitoes, and transferred to a place of isolation. Other persons aboard are also required to be disembarked, and subjected to observations for 6 days dating from the last possible exposure. Persons under observation presenting an elevation of temperature of 37.6° C. are required to be isolated in a screened apartment. It is specified that the ship shall be moored at least 200 meters from the inhabited shore and fumigated for the destruction of mosquitoes.

Vessels which have lain in such proximity to shore of infected or suspected ports as to render liable the access of stegomyia mosquitoes

are required to be carefully inspected, to have their personnel subjected to 6 days' observation, and to be fumigated to kill mosquitoes.

Vessels entering southern ports which, although coming from infected or suspected ports, have had no sickness aboard nor have been exposed to infection, or which have been fumigated before sailing may be admitted to pratique on the completion of 6 days counting from the day of sailing. If arriving after 6 days and within 12 days they are required to be fumigated and admitted without detention. If arriving after a longer voyage than 12 days, they are subject to inspection, detention of the personnel for 6 days' observation, and fumigation to kill mosquitoes.

Under the regulations, traffic without detention is authorized during the close quarantine season, from ports infected or suspected of infection with yellow fever to ports in the United States south of the southern boundary of Maryland, provided the vessel lies at approved moorings in the open harbor at the foreign port, the crew not being allowed ashore and every precaution being taken to prevent the ingress of mosquitoes. On such vessels all passengers and officers who go ashore must be immune to yellow fever or must have been free from possible exposure to the disease 6 days prior to embarking. For the fumigation of ships a 2 per cent volume of sulphur dioxide gas with at least two hours' exposure is prescribed, and where sulphur can not be used pyrethrum powder or other culicide is authorized.

In the case of plague 7 days is prescribed as the period of incubation. Ships aboard which plague has occurred in men or rats are required to be carefully inspected, the sick isolated, the destruction of rats effected, the personnel held under observation from 5 to 7 days, and all personal effects liable to infection disinfected.

Vessels from plague-infected ports which have not been protected from ingress of rodents or effective measures taken for their destruction are required to be inspected and fumigated. Vessels engaged in trade from infected ports are required to have measures taken to free them from rats not less than once every 6 months. For the fumigation of vessels without cargo for plague not less than 2 per cent of sulphur dioxide gas for 6 hours is required, for vessels with cargo 4 per cent gas with from 6 to 12 hours exposure, and for infected vessels fractional fumigation coincident with the discharge of cargo may be required.

In the case of smallpox 14 days is prescribed as the period of incubation. On vessels arriving with smallpox, or having had smallpox on board during the voyage, any of the personnel exposed are required to be vaccinated or quarantined not less than 14 days unless they show satisfactory evidence of successful vaccination within one year or of having had smallpox. When necessary precautions have been

taken on vessels having smallpox aboard they are not required to be quarantined further than the removal of the sick, the disinfection of objects liable to infection, and the vaccination of the personnel. When proper precautions have not been taken, however, the quarantine officer is required to quarantine all persons presumably exposed, unless hey have previously had smallpox or have been properly vaccinated within one year. Living compartments and their contents aboard ship, and the baggage and effects of passengers and crew, if exposed to infection, are required to be disinfected.

In the case of typhus fever, 12 days is specified as the period of incubation. Vessels in good sanitary condition, having typhus fever cases aboard and properly isolated, are not required to be quarantined further than the removal of the sick and such disinfection as will insure the destruction of vermin. When cases of the disease have not been isolated, or where it has spread from person to person, the vessel is required to be quarantined, the sick removed, and those exposed to infection retained under observation. Vessels in bad sanitary condition, and having typhus fever aboard, are required to be quarantined, thoroughly cleansed, and the destruction of vermin assured. In addition, the sick are required to be isolated and those exposed to infection detained.

In the case of leprosy, vessels are not permitted to be released from quarantine until cases of the disease are removed to the quarantine station. No alien leper is permitted to be landed. If he is a passenger his deportation must be effected as provided for by the immigration laws. If a member of the crew, he must be returned to his vessel on the outward voyage.

In the exercise of his authority under the act of February 15, 1893, the Surgeon General of the Public Health Service is authorized to inspect, or order inspected, any Federal, State, or municipal quarantine station, and he may in his discretion remand vessels to the nearest quarantine station having proper facilities for disinfection and treatment.

Finally, the measures of disinfection, which are necessarily thorough, are prescribed in detail by the regulations issued under the above-mentioned law.

International agreements respecting the control of cholera, plague, and yellow fever.—In order to prevent the spread of cholera, plague, and yellow fever in international traffic, the Federal Government is signatory to two international sanitary agreements arranged for that purpose, and the regulations above referred to are in accordance therewith. These agreements are revised from time to time through international sanitary conventions convened for the purpose. The international sanitary agreement, signed at Washington, is participated in only by the republics in the Western Hemisphere, while the

international sanitary agreement of Paris is adhered to by Governments on other continents besides Europe. In accordance with this latter international sanitary agreement, there is maintained at Paris an international office of public hygiene, which is governed by a permanent international board composed of delegates from the several countries. This office, which is in immediate charge of a director and secretary, compiles and publishes sanitary information, and particularly data relating to the prevalence of diseases and the progress of epidemics. By reason of its participation in the maintenance of this international office, the United States Government derives benefit from the work carried on and contributes data regarding any special investigations that may be undertaken in relation to the control of communicable diseases.

Immigrants.—Independent of the quarantine acts referred to, Congress has made provision for the medical examination of all arriving aliens. A long series of immigration laws have been enacted between the periods March 20, 1819, and February 20, 1907, their general objects from a hygienic standpoint being the protection of the health and comfort of arriving aliens and the maintenance of high standards for the race.

The medical inspection of immigrants is a Federal function performed by Federal officers. Some of these inspections are made abroad, as at Naples, where officers of the United States Public Health Service are stationed by order of the President for the enforcement of the quarantine act of February 15, 1893. In accordance with law the ship's manifests are required to contain certain data respecting the mental and physical condition of each alien aboard, and on arrival reports must be made by the ship's officers of all diseases, injuries, births, or deaths occurring on the voyage.

On arrival at domestic ports all aliens are required to undergo medical inspection, and for those afflicted with diseases hospitals are maintained.

For the purpose of carrying out the provisions of the immigration laws, defective and diseased aliens are divided into three classes. The first of these classes includes all aliens whose exclusion is mandatory under the law by reason of specified physical or mental defect or disease. In addition to idiots, imbeciles, feeble-minded persons, epileptics, and insane persons, persons afflicted with tuberculosis, or with a loathsome or dangerous contagious disease, are also mentioned in the law. Persons suffering with tuberculosis of the respiratory tract, the intestinal tract, or the genito-urinary tract are subject to exclusion. The term "loathsome contagious disease" includes any affliction so certified, and as examples may be mentioned favus, ringworm, actinomycosis, yaws, Madura-foot, leprosy, gonorrhea, soft chancre, and any case of demonstrable syphilis in an active

communicative stage. The term "dangerous contagious disease" includes communicable diseases, often chronic in character, which may result in the destruction of one of the most important senses, or loss of life. Examples of these are trachoma, filariasis, uncinariasis, amebic infection, and endemic hematuria.

In order to detect the above-mentioned diseases, primary and secondary inspections are made, and, in addition, when necessary, aliens may be detained in hospital for such time as may be required to arrive at a correct diagnosis. Upon certifying that an alien is suffering with any disease contemplated in the law his deportation becomes mandatory.

Not only may diseased aliens be deported on arrival, but at any time within three years if it is shown that they are suffering with loathsome, contagious, or dangerous contagious disease which existed prior to landing.

In connection with the medical inspections of immigrants, medical officers are required, among other things, to certify to the diseases observed by them and to render opinions, whenever requested, as to the curability of a loathsome contagious or dangerous contagious disease affecting the wife or the minor child of a domiciled alien, and to supervise the appropriate treatment. In addition, they are required to supervise or conduct the treatment of all detained aliens.

Through quarantine supervision and immigration inspections, the Federal Government has thus established a double line of defense against the introduction of contagious and infectious disease into the United States. The assumption of this purely Federal function, and the evolution of a nation-wide system for its performance, was brought about only after years, and in response to absolute necessity.

Interstate traffic.—Problems of interstate sanitation have been steadily growing in importance. With the great development of transportation facilities, and consequent greater liability of the spread of infectious and contagious diseases from one State to another, the necessity of uniform measures for the prevention of such spread became apparent. Laws were therefore enacted to strengthen Federal, State, and municipal health administration and to bring about uniformity of action in such matters.

The first Federal provision for the prevention of the spread of infectious and contagious diseases from one State or Territory or the District of Columbia to another State or Territory or the District of Columbia appears to have been contained in an act of Congress approved March 27, 1890. By its provisions the President is authorized, whenever it shall be made to appear to his satisfaction, that cholera, yellow fever, smallpox, or plague exists in any State or Territory, or the District of Columbia, or that there is danger of their spread, to cause the Secretary of the Treasury to promulgate such

rules and regulations as in his judgment may be necessary to prevent the spread of such diseases to other States and Territories.

In the subsequent act of February 15, 1893, above mentioned, the Surgeon General of the United States Public Health Service is required under the direction of the Secretary of the Treasury to cooperate with and aid municipal boards of health in the enforcement of their rules and regulations, and any rules or regulations that may be made by the Secretary of the Treasury under the act, to prevent the spread of contagious and infectious diseases from one State or Territory, or the District of Columbia, to another. In case State and municipal authorities fail or refuse to execute such regulations as may in the judgment of the Secretary of the Treasury be necessary to prevent such spread, the President is required to enforce them and to adopt such measures as may appear to him to be necessary.

By the above-mentioned laws the relationship of Federal, State, and municipal health authorities in respect to the prevention of the spread of contagious and infectious diseases in interstate traffic is defined, and regulations have been issued by the Secretary of the Treasury from time to time for the prevention of such spread.

Under such authority the Federal Public Health Service cooperates with State and municipal authorities and in some instances assumes supervision over the control of epidemics. In every instance, however, there is thorough cooperation on the part of the State and local authorities. The equity of our form of Government requires that these authorities shall exercise their police powers to the fullest extent, and it is on request of these authorities that the Federal Government cooperates in local affairs. This cooperation may be advisory in character or may assume a more active form.

When material aid is extended in combating epidemics in a locality, the Government's funds are required to be expended by officers of the Federal Public Health Service, who are therefore placed in charge and have the aid of State and local officials as well as that of officers of the Federal Government. The limitations of existing Federal laws in controlling the spread of contagious and infectious diseases in interstate traffic may be determined only by judicial interpretation.

A number of interstate quarantine regulations have been issued from time to time by the Secretary of the Treasury in accordance with the provision of section 3 of the act of February 15, 1893. These regulations relate to the prevention of the spread of smallpox, yellow fever, plague, and leprosy.

Railway sanitation.—Likewise, for the prevention of disease in interstate traffic, regulations have recently been issued by the Secretary of the Treasury forbidding the use of common drinking cups and roller towels on cars, vessels, and vehicles, and requiring that

water and ice provided for the use of passengers be certified by the State or local health authorities as incapable of causing disease, while the water containers must be thoroughly cleansed at least once a week.

Other legal measures enacted by the Federal Congress with the direct or indirect object of the control of communicable diseases require the collection of sanitary reports and statistics; investigations of the diseases of man and conditions influencing the propagation and spread thereof, including sanitation and sewage and the pollution either directly or indirectly of the navigable streams and lakes of the United States; and supervision of biologic products in interstate traffic.

Collection and collation of sanitary information.—Adequate protection of the public health depends essentially upon a knowledge of the existence and current prevalence of communicable diseases, the conditions that favor their propagation and spread, and the measures that are required for their control.

Information is received by the Federal Public Health Service from American consulates throughout the world regarding communicable diseases that exist or are epidemic in foreign ports. For this purpose the telegraph may be resorted to, and, in addition, reports are made weekly by mail.

Under the law of February 15, 1893, the United States Public Health Service is also required to obtain through all accessible sources, including State and municipal sanitary authorities throughout the United States, reports of the sanitary condition of ports and places within the United States and publish the same. The furnishing of these morbidity reports by State and municipal health authorities is, however, a voluntary act on their part, there being no provision in law requiring the making of such reports.

The collection of morbidity reports within the States, therefore, devolves on their respective governments. In a previous bulletin [1] the laws and regulations under which this work is carried on have been digested.

Efforts are being constantly made by the Federal Public Health Service to obtain the reports of morbidity collected by State and Territorial health authorities, and in these endeavors those authorities are interested. At the Tenth Annual Conference of the State and Territorial Health Authorities with the United States Public Health Service, there was adopted the following resolution:

> In order to make available to the health authorities of the States, Territories, and insular possessions of the United States, for their use and guidance in the protection of their respective communities, information regarding the prevalence and

[1] Public Health Bulletin No. 45.

geographic distribution of certain diseases, and the occurrence of outbreaks and epidemics: Be it

Resolved: 1. That the health authorities of the States, Territories, and insular possessions of the United States, including the District of Columbia, shall notify the Surgeon General of the Public Health and Marine-Hospital Service immediately by telegraph (collect) and letter upon the occurrence of a case or cases of cholera, yellow fever, typhus fever, plague, or Rocky Mountain spotted or tick fever, giving the number and location of cases, and that said authorities shall render monthly reports of the number of cases notified of smallpox, leprosy, scarlet fever, measles, diphtheria, typhoid fever, poliomyelitis, cerebrospinal meningitis, dysentery, Rocky Mountain spotted or tick fever, and other diseases notifiable in their respective jurisdictions; said monthly reports to be made on or before the 20th day of each month for the preceding calendar month, and to give the distribution of cases of smallpox, leprosy, poliomyelitis, cerebrospinal meningitis, Rocky Mountain spotted or tick fever, and typhoid fever, by counties, or by counties and cities, or by towns (townships), or by towns (townships) and cities; and that when in a State one or more cities are excepted by statute, charter, or otherwise from reporting the occurrence of the notifiable diseases to the State department of health, and the State report therefore is exclusive of cases occurring in such cities, the cities thus excluded shall be enumerated.

2. That upon the occurrence of an unusual outbreak, or in the event of a sudden increase in the number of cases of small pox, scarlet fever, diphtheria, typhoid fever, poliomyelitis, cerebrospinal meningitis, or Rocky Mountain spotted or tick fever in any locality, the Surgeon General of the Public Health and Marine-Hospital Service shall be immediately notified by telegraph (collect) and letter of such unusual outbreak or sudden increase.

3. That in the primary notification of smallpox to local health authorities the date when the patient was last vaccinated and whether the disease is of the benign or virulent type shall be stated; that in all outbreaks of smallpox in which one or more deaths occur a report of such data as can be obtained regarding the origin of the first case or cases and the history of the outbreak shall be made to the Surgeon General after the subsidence of said outbreak; that all reports of cases of smallpox made by the State or other health authorities to the Surgeon General shall be divided into four classes:

(*a*) Those vaccinated within a period of seven years preceding the attack.

(*b*) Those whose last vaccination occurred more than seven years antedating the attack.

(*c*) Those who have never been successfully vaccinated.

(*d*) Those in which no definite history is to be obtained.

4. That in reporting the occurrence of cases of leprosy such data as it is possible to obtain regarding the patient's history shall be given.

5. That the Surgeon General shall, under the direction of the Secretary of the Treasury, pursuant to section 4 of an act approved February 15, 1893, entitled "An act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service," compile and publish the reports forwarded in compliance with the foregoing in the Public Health Reports for the information of the health authorities of the several States, Territories, and insular possessions, including the District of Columbia.

The extent of compliance with the above resolution by the United States Public Health Service, and the completeness of the reports for the country as a whole must depend largely upon the development of health organization within the respective States.

With the view to further bringing about such development and uniformity of action between the States and Territories, the Eleventh Annual Conference of State and Territorial Health Authorities with the Public Health Service adopted June 16, 1913, the draft of a model law for the collection of morbidity reports.

Reports of births and deaths are authorized to be compiled by the Census Bureau, and their completeness in turn depends essentially on efficient State laws and their enforcement.

Investigations, etc.—Investigations of communicable diseases are essential to the control of such diseases, and, perhaps, the most important function of the Federal Government in relation to the public health.

By an act of March 3, 1901, investigations of contagious and infectious diseases and matters pertaining to the public health were given definite status in law. In accordance with this authority, research work is systematically carried on in the Hygienic Laboratory at Washington, and through this institution investigations have been conducted from time to time in different parts of the country in connection with the enforcement of the quarantine acts and the control of epidemics.

By the act of July 1, 1902, the Hygienic Laboratory was enlarged and reorganized into four divisions—Pathology and Bacteriology, Medical Zoology, Pharmacology, and Chemistry. By this same act there was created an advisory board of nine members, which should advise with the Surgeon General in respect to investigations to be undertaken and the methods of making them.

In accordance with an act of Congress approved March 3, 1905, a leprosy investigation station has been established in Hawaii, where systematic investigations of leprosy are being conducted. These studies relate to the etiology of the disease, its method of transmission, and an improved method of treatment, and are conducted by the Public Health Service.

Following outbreaks of plague on the Pacific coast and in connection with their control, laboratories have been established by the Public Health Service at San Francisco, Cal., and Seattle, Wash., for studies of the disease. At these institutions rodents are regularly examined, and at the former systematic investigations of the disease are made.

As a means of making necessary investigations, authority was granted by Congress March 4, 1911, to admit to marine hospitals, for purposes of scientific study, cases of contagious and infectious diseases not to exceed 10 in any one hospital at any one time. In accordance with this authority, investigations of the parasites of man are conducted at Wilmington, N. C., pellagra at Savannah and vicin-

ity, and malaria at Mobile, Ala., and New Orleans, La. The extent to which hospital stations can be utilized under the law for such purposes depends on the facilities available and the need of particular investigations.

By an act of Congress approved August 14, 1912, general authority was conferred on the United States Public Health Service to study and investigate the diseases of man and conditions influencing the propagation and spread thereof, including sanitation and sewage, and the pollution either directly or indirectly of the navigable streams and lakes of the United States. This permits both laboratory and field investigations of as broad a character as available appropriations will justify. Investigations are conducted by officers specially trained, with such cooperation as State and local authorities may be able to render, the subjects for investigation being selected with a view to making the results of value to the country generally.

Supervision of biologic products.—Under an act of Congress approved July 1, 1902, supervision is maintained by the United States Public Health Service over the propagation and sale in interstate traffic of viruses, serums, toxins, and analogous products. No biologic product that is manufactured in one State may be sold in another except under a license issued by the Treasury Department. Before the issue of licenses, inspections are made of each establishment by officers of the Public Health Service, and licenses are not renewed until after reinspections, which are required to be made annually. The issue of a license in any event is based on the report of inspection and the examination of the products for which license is desired in the Hygienic Laboratory.

In accordance with the law mentioned, regulations are issued from time to time governing the issue, suspension, and revocation of licenses, the inspections of establishments, and examinations of viruses, serums, and toxins. The law requires that each package of such virus, serum, toxin, or analogous product shall be plainly marked with the proper name of the article contained therein, the name, address, and license number of the manufacturer, and the date beyond which the contents can not be expected beyond reasonable doubt to yield their specific results. Standards for purity and potency are therefore required, and, in so far as practicable, these have been established and officially adopted. The standard units for diphtheria antitoxin and tetanus antitoxin are regularly prepared in the Hygienic Laboratory, and distributed bimonthly to the several establishments, and the serums offered for sale must conform to these standards. All other licensed products must be free from bacterial contamination. Vaccine virus is required to be glycerinated and properly ripened before being put upon the market, and any that is presumably contaminated by pathogenic organisms is forbidden to be sold.

The names of licensed establishments and the products for which they are licensed are published in the Public Health Reports and in the official Treasury Decisions semiannually. In the event of the discovery of contamination of products which are purchased from time to time in the open market, the immediate withdrawal of that particular lot from the market is required, and consideration is given to the suspension or continuance of the license. By means of such supervision, the purity and potency of biologic products are maintained and their influence in the control of communicable diseases greatly increased.

Under the general authority referred to above, standards are prepared and adopted from time to time for other preparations having a bearing on the control of communicable diseases. As an example may be mentioned the Hygienic Laboratory phenol coefficient for the testing of disinfectants. Any investigations undertaken of this character have for their object the determination and simplification of sanitary methods.

Penalties for violation of health laws.—The Federal statutes authorizing the exercise of police powers in respect to the control of communicable diseases also provide penalties for their infraction. In the law of March 27, 1890, it is provided that—

when any common carrier or officer, agent, or employee of any common carrier shall willfully violate any of the quarantine laws of the United States, or the rules and regulations made and promulgated as provided in section one of the act mentioned, such common carrier, officer, agent, or employee shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine of not more than $500, or imprisonment for not more than two years, or both, in the discretion of the court.

By an act of March 3, 1901, amending the quarantine act of February 15, 1893, a penalty of $300 or imprisonment for not more than one year, or both, in the discretion of the court, is provided for persons convicted of trespassing upon quarantine grounds and anchorages. By the same act a penalty of not more than $500 or imprisonment for not more than one year, or both, in the discretion of the court, is provided for persons convicted of violating any provision of the act of February 15, 1893, relating to the inspection of vessels or to the prevention of the introduction of contagious or infectious diseases. A like penalty is provided for persons violating any of the provisions of the act of July 1, 1902, regulating the propagation and sale in interstate traffic of viruses, serums, and toxins.

Appropriations for the prevention of communicable diseases.—All activities relating directly or indirectly to the control of communicable diseases are carried on by the regular personnel of the United States Public Health Service, and their compensation is provided for in items contained in annual appropriations. In addition, special appropriations are made for the maintenance of the quarantine service, the laboratories mentioned and special researches, and an

epidemic fund of approximately $500,000 is appropriated annually to enable the President, in case of threatened or actual epidemic of cholera, yellow fever, smallpox, or plague, to prevent the spread of such diseases, and in emergency to execute any quarantine laws or regulations existing.

The intent of Congress to insure cooperation between the Federal and State and municipal health authorities is manifest in practically all of the laws referred to, and, in so far as practicable, the control of contagious and infectious diseases is left to the several States.

While the spread of communicable diseases is independent of State boundaries, the conditions favoring their propagation are largely local, and the measures to control them must be taken largely in local communities. There is indication, therefore, for uniformity of action in such matters on the part of local officials.

The interdependence of one State on another requires likewise that State laws shall, in so far as practicable, be uniform, so as to insure efficient sanitary administration in each and cooperation with the Federal Government in public health matters.

STATE AND TERRITORIAL LAWS.

On examination of the State and Territorial health laws, it is found that they differ, more or less, both as to character and scope, as many of them were intended to meet conditions peculiar to those States and Territories at the time of their enactment. For this reason, and because of the lack of court interpretations as to the extent and limitations of certain laws, it has been found impracticable in many instances to make full comparison.

By such comparison as is practicable, however, an effort has been made to show the present status of public health legislation, the lines along which development has taken place and the need of uniformity under our form of government to control communicable diseases.

In this work the cordial cooperation of the central health authorities of the respective States and the District of Columbia has been had, and acknowledgment is here made of their assistance in revising the proof.

HISTORICAL.

Massachusetts led all the other colonies in the enactment of laws for the control of communicable diseases, as it also led in the number of laws for that purpose enacted prior to the Declaration of Independence. In 1699 the general court passed "an act to prevent the spread of infectious sickness," and in 1701, another "authorizing to provide for those sick with contagious diseases"; other quarantine acts having been passed in 1716, 1730, 1731, 1737, 1742, 1743, 1750, and 1758.

In 1722 Virginia adopted "an act to oblige ships coming from places infected with the plague to perform their quarantine," and in 1769 a law regulating the inoculation of smallpox. Pennsylvania adopted, in 1700, "an act to prevent sickly vessels coming into this Government," other quarantine laws being adopted in 1742 and 1774. In 1722 Connecticut adopted "an act to prevent the smallpox being spread in this colony by peddlers, hawkers, petty chapmen"; other laws relating to contagious diseases being enacted in 1729, 1732, 1752, 1756, 1760, 1761, and 1769.

An act was passed in Rhode Island in 1743, and revised in 1748, "to prevent the spreading of the smallpox and other contagious diseases in this State," and since 1721 tavern keepers have been required to report cases of communicable diseases.

In 1726 Delaware adopted "an act to prevent infected vessels coming into this Government," and Maryland enacted quarantine laws in 1731, 1766, 1769, and 1774; while in the Carolinas sanitary

legislation began in 1712 with "an act for the more effectual preventing the spreading of contagious distempers"; other acts being enacted in 1721, 1738, 1747, 1752, 1754, 1755, 1759, 1760, 1764, and 1774.

The first law of New York on the subject of quarantine was the act of May 4, 1784, "to prevent the bringing in and spreading of infectious distempers," successive laws having been enacted on March 27, 1794, April 1, 1796, February 10, 1797, and March 30, 1801, the last act creating a regular quarantine establishment and vesting it with adequate powers.

It will be seen from the above that practically all the laws enacted in this country before the adoption of the Constitution were aimed at preventing the introduction of disease from abroad, smallpox being usually the only disease contemplated. The first systematic attempts on the part of States to control communicable diseases began, of course, with the enactment of laws providing for the establishment of health organizations at the end of the eighteenth century, the dates of which have been given in a separate publication.[1]

NOTIFICATION OF COMMUNICABLE DISEASE.

A measure of the first importance for the control of disease is the reporting of cases to the health authorities. The subject has been considered in a previous publication,[2] and discussion of the same will therefore be omitted here.

DISEASES SUBJECT TO CONTROL.

A great dissimilarity prevails among the various States, not only as to the number of diseases designated as "dangerous to the public health," but also as to the methods devised to make this control effective. In some States[3] the laws contain long and fairly complete lists of communicable diseases, while in others[4] only one or two diseases are mentioned; but practically all the laws include in their provisions, in addition to the diseases described by name, any other disease which is contagious,[5] infectious,,[6] communicable,[7]

[1] Public Health Bulletin No. 54.

[2] Ibid, No. 45.

[3] Alabama, California, District of Columbia, Hawaii, Kansas, Maine, Montana, North Carolina, Pennsylvania, Porto Rico, Texas, Utah, Wisconsin.

[4] Rhode Island.

[5] Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois (dangerously so), Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Porto Rico, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming.

[6] Alabama, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Hawaii, Georgia, Idaho, Illinois (dangerously so), Indiana, Iowa, Kansas, Kentucky Louisiana, Maine, Maryland, Massachusetts Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Porto Rico, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming.

[7] Arkansas, California, Colorado, Hawaii, Idaho, Illinois (dangerously so), Indiana, Michigan (if dangerous), Minnesota, Montana, New Jersey. New York, South Carolina, Tennessee Virginia, Washington, (if dangerous), Wisconsin.

epidemic,[1] endemic,[2] quarantinable,[3] pestilential,[4] or dangerous to the public health.[5]

In a number of States,[6] the respective boards of health are specifically authorized to designate what diseases must be considered contagious, communicable, or dangerous to the public health. Acting under this authority or under their general powers, several State boards of health [7] have prepared lists of the diseases which must be considered as subject to control, or added other diseases to those mentioned on the statute books. In still other States [8] only those diseases enumerated in the law are apparently contemplated as coming under the definition of "communicable" or "dangerous to the public health."

In several of the States the diseases mentioned embrace only those more or less well known and of frequent occurrence, such as smallpox, diphtheria, and scarlet fever, exotic or local diseases being added in other States. Yellow fever is specifically mentioned in the laws of most of the Southern States and in many of the Northern and Western States. Dengue, on account of the resemblance in its in tial stages to yellow fever is mentioned in the laws of California, Hawaii, Mississippi, and Texas, and the Sanitary Code of Louisiana. Rocky Mountain spotted fever is included in the Montana law, and hookworm disease, poliomyelitis, and pellagra, by virtue of recent discoveries, have been classified as reportable in many States.

There are at least 11 States which have recognized in their laws or regulations the need for control of 20 or more diseases, namely, Washington, 35; Pennsylvania, 33; California, 31; South Dakota, 27; Texas, 25; Vermont, 24; Mississippi and New York, 22; Hawaii, 22; Massachusetts, 21; Arkansas and New Jersey, 20. The number of the diseases declared "communicable" or "dangerous to the public health" varies in other States, being 19 in Louisiana, 17 in Arizona, Indiana, and Ohio, 16 in Oklahoma and Utah, 15 in Idaho, 13 in Maryland, 12 in Minnesota, 11 in Florida and Virginia, 9 in North Carolina and North Dakota, 8 in Missouri, 6 in Georgia, etc.

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[1] Arizona, California, Connecticut, Georgia, Kentucky, Minnesota, Mississippi, Nebraska, Nevada, New Hampshire, Oregon, Porto Rico, Tennessee, Utah, Vermont, Washington, West Virginia.

[2] Georgia, Mississippi, Oregon, Washington, West Virginia.

[3] Porto Rico, Texas.

[4] Alabama, Louisiana, New Hampshire (if malignant), Texas.

[5] Arkansas, Colorado, Delaware, Florida, Hawaii, Idaho, Iowa, Kansas, Louisiana, Maryland, Massachusetts, Michigan, New Hampshire, Ohio, South Carolina, Vermont, Virginia, Washington, Wisconsin.

[6] Arizona, Arkansas, California, Colorado, Georgia, Idaho, Indiana, Kansas, Kentucky, Massachusetts Michigan, Missouri, Montana, Nebraska, Nevada, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, Utah, Virginia, Washington, Wisconsin.

[7] Arkansas, Florida, Georgia, Idaho, Illinois, Indiana Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Vermont, Virginia, Washington, Wisconsin, Wyoming.

[8] Alabama, Arizona, Colorado, Delaware, District of Columbia, Hawaii, Maryland Mississippi, Montana New Hampshire, New Mexico, Porto Rico, Rhode Island, Tennessee, Texas, Utah, West Virginia.

Degree of control.—The requirements prescribed by law or regulation for the control of the several diseases vary greatly, not only according to severity, mode of transmission, and infectivity, but also in proportion to the realization by the public of the importance of each disease from both sanitary and economic standpoints. Provision is usually made for rigid control over those diseases the ravages of which are a matter of common knowledge; and great progress is daily being made in the adoption of prophylactic measures for the control of such diseases as tuberculosis and typhoid fever, which have been made the object of educational campaigns by sanitarians.

On the other hand, the control prescribed by law or regulation over some communicable diseases, such as trachoma, purulent conjunctivitis, mumps, scabies, pediculosis, etc., is limited in character, the existing provisions aiming only at the exclusion of afflicted persons from schools and similar places. In regard to other diseases, such as cancer, erysipelas, and tetanus, the measures of control relate mostly to securing data as to their prevalence, which may be utilized for legislative or administrative purposes.

While in some States all the diseases mentioned in the law or the regulations are considered quarantinable, it is not so in others. In Iowa, the law expressly states that quarantine can only be maintained in cases of scarlet fever, smallpox, diphtheria, cholera, leprosy, cerebrospinal meningitis, poliomyelitis, and plague. In North Carolina, quarantine is required only in cases of typhus fever, yellow fever, cholera, and plague, isolation being enforced for scarlet fever, diphtheria, measles, and whooping cough.

Again, the character and extent of the control exercised by the authorities differ widely in the several States, depending mostly on the means placed at their disposal. For instance, a great number of States do not make vaccination compulsory,[1] and their means of control over smallpox, therefore, can not be deemed as effective as in the States which prescribe this measure. Likewise, only those States which have efficient laws for the protection of water and milk supplies are properly equipped for controlling intestinal diseases such as typhoid fever and cholera. A similar situation is observed in the case of tuberculosis,[2] a disease, which in many States is the subject of comprehensive law, while in others notification of cases is not required, nor are sanatorium facilities provided.

DISEASES SPECIFICALLY MENTIONED.

The diseases specifically mentioned in law or regulation of the State boards of health as subject to control may, for convenience in handling the subject, be grouped into five large classes: (1) Diseases

[1] See Public Health Bulletin No. 52.

[2] It is intended to publish the laws relative to tuberculosis in a separate bulletin.

of infrequent occurrence, including under this denomination the so-called exotic diseases and those circumscribed to certain localities; (2) dangerous communicable diseases of common occurrence; (3) benign communicable diseases of common occurrence; (4) dangerous loathsome diseases; (5) benign loathsome diseases.

DISEASES OF INFREQUENT OCCURRENCE.

Many diseases of infrequent occurrence in the United States are mentioned in State and Territorial laws and regulations.

Cholera.—Cholera is designated in the laws of 36 States,[1] 3 Territories [2] and the District of Columbia, and in the regulations of the boards of health of 6 States.[3]

Specific appropriations for the suppression of cholera epidemics are contained in the laws of California, Colorado, Connecticut, Illinois, Indiana, Kentucky, New Hampshire, North Carolina, and Oregon, while provision to meet expenses incurred in such cases is made in the Michigan and Tennessee laws.

Yellow fever.—Yellow fever is mentioned in the laws of 27 States,[4] 3 Territories [5] and the District of Columbia, and in the regulations of 6 States.[6]

Specific appropriations for the control of epidemics of yellow fever are contained in the laws of Connecticut, Illinois, Kentucky, and Tennessee.

Typhus fever.—This disease is mentioned in the laws of 25 States,[7] 3 Territories,[8] and the District of Columbia, and in the regulations of 8 States.[9]

A specific appropriation for the control of epidemics of typhus fever is contained in the laws of Illinois.

Plague.—This disease is referred to in the laws of 19 States,[10] 3 Territories,[11] and the District of Columbia, and in the regulations of the boards of health of 12 States.[12]

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[1] Alabama, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming.

[2] Alaska, Hawaii, and Porto Rico.

[3] Arizona, Arkansas, Illinois, Louisiana, Missouri, and Oklahoma.

[4] Alabama, Arizona, California, Connecticut, Delaware, Florida, Georgia, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Nebraska, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, and Wisconsin.

[5] Alaska, Hawaii, and Porto Rico.

[6] Arkansas, Idaho, Illinois, Massachusetts, Missouri, and Wyoming.

[7] Alabama, California, Connecticut, Delaware, Georgia, Idaho, Indiana, Maryland, Maine, Montana, Nebraska, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Tennessee, Texas, Utah, Vermont, Virginia, Washington, and Wisconsin.

[8] Alaska, Hawaii, and Porto Rico.

[9] Arizona, Arkansas, Louisiana, Massachusetts, Mississippi, Missouri, South Dakota, and Wyoming.

[10] Alabama, Arizona, California, Delaware, Idaho, Indiana, Iowa, Maine, New Jersey, North Carolina, Ohio, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Virginia, and Washington.

[11] Alaska, Hawaii, and Porto Rico.

[12] Arkansas, Florida, Illinois, Louisiana, Maryland, Mississippi, Missouri, New York, Oklahoma, Vermont, Wisconsin, and Wyoming.

A specific appropriation for the suppression of epidemics of plague is contained in the laws of only two States, California and Oregon. It is necessary to state, however, in this connection, that in other States some funds may be made available through special arrangement or under general provisions, and reference will be subsequently made to this under the heading "epidemic funds."

Beriberi.—Beriberi is mentioned in the laws of 2 States,[1] 1 Territory,[2] and in the regulations of one State board of health.[3]

Relapsing fever.—In the law of one State [4] and the regulations of the State boards of health of 4 States [5] mention is made of relapsing fever.

Favus.—Favus is mentioned in the laws of one State,[6] and in the regulations of the State board of health of another.[3]

Rocky Mountain spotted fever.—Only in the laws of one State,[7] and in the regulations of 2 other States [3] is Rocky Mountain fever mentioned.

A specific appropriation for the investigation of the disease was made by the State of Montana in 1911, which has been used for the purpose indicated by the State board of health acting in cooperation with officers of the United States Public Health Service.

Dengue.—Dengue is mentioned in the laws of 3 States [8] and 2 Territories,[9] and in the regulations of the State boards of health of 2 States.[10]

Actinomycosis.—Actinomycosis is referred to in the law of one State,[4] and in the regulations of State boards of health of 4 States.[11]

Trichinosis.—In the laws of 2 States [12] and in the regulations of the State board of health of 2 others [13] mention is made of trichinosis.

Epidemic (amebic) dysentery is included in the laws of 3 States,[14] 2 Territories,[9] and in the regulations of the State boards of health of 6 States.[15]

Malta fever, filariasis, colibacilosis.—In the Porto Rico law only are these diseases mentioned.

Echinococcus disease and Japanese lung fluke disease are referred to in the regulations of the State board of health of Washington.

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[1] Alabama and California.
[2] Porto Rico.
[3] Washington, Wyoming.
[4] Pennsylvania.
[5] Arizona, Louisiana, South Dakota, and Washington.
[6] Texas.
[7] Montana.
[8] California, Mississippi, Texas.
[9] Hawaii and Porto Rico.
[10] Arizona and Louisiana.
[11] Massachusetts, South Dakota, Vermont, and Washington.
[12] New Jersey, Pennsylvania.
[13] Massachusetts and Washington.
[14] California, Pennsylvania, and Texas.
[15] Louisiana, Maryland, Mississippi, South Dakota, Vermont, and Washington.

Anthrax.—In the laws of 10 States,[1] 1 Territory,[2] and in the regulations of the State boards of health of 8 States [3] mention is made of anthrax.

Glanders is referred to as subject to control in the laws of 13 States,[4] the District of Columbia, Alaska, and Porto Rico, and in the regulations of the State boards of health of 7 States.[5]

Tetanus is mentioned in the laws of 2 States [6] and Hawaii and in the regulations of the State boards of health of 4 States.[7] In the laws of Porto Rico "tetanus infantum" is given special mention.

Antitetanic serum is required to be furnished by the State health authorities of Connecticut, Kansas, New York, and Pennsylvania.

DANGEROUS DISEASES OF COMMON OCCURRENCE.

The diseases of this character mentioned are the following:

Smallpox.—In all the States, the District of Columbia, Alaska, Hawaii, and Porto Rico; in 3 States [8] the provisions for the control of the disease being contained, however, in the regulations of the State board of health and not in the law. The same requirements are prescribed for varioloid by law in 5 States,[9] 2 Territories,[10] and the District of Columbia, by regulation of the State boards of health of 4 States,[11] and for cowpox in 1.[12]

Specific appropriations for the control of epidemics of smallpox are provided in the laws of California, Illinois, New Hampshire, and New York.

The provisions relative to vaccination in force in the various States have been discussed in full in a previous publication.[13]

Diphtheria.—In all the States, the District of Columbia, Alaska, Hawaii, and Porto Rico, with the exception of Rhode Island. In 9 States [14] the disease is not mentioned in the laws, but in the regulations of the State boards of health. Membranous croup is to be considered for all purposes as diphtheria according to provisions in force

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[1] California, Connecticut, Michigan, New Jersey, New York, Pennsylvania, South Dakota, Texas, Utah, Wisconsin.

[2] Porto Rico.

[3] Florida, Illinois, Louisiana, Michigan, Massachusetts, South Dakota, Vermont, and Washington.

[4] Alabama, California, Connecticut, Florida, Indiana, Iowa, Maine, Maryland, New Jersey, New York, Pennsylvania, Rhode Island, Utah.

[5] Illinois Louisiana, Massachusetts, Oregon South Dakota, Vermont, Washington.

[6] California, Pennsylvania.

[7] Massachusetts, Michigan, New York, Vermont.

[8] Illinois, Missouri, Oklahoma.

[9] Maine, Nebraska, New Jersey, New York, Pennsylvania.

[10] Hawaii, Porto Rico.

[11] Arizona, Georgia, Kansas, Louisiana.

[12] Virginia.

[13] Public Health Bulletin No. 52.

[14] Arkansas, Florida, Illinois, Louisiana, Minnesota, Mississippi, Missouri, New York Virginia.

in the laws of 15 States [1] and in the regulations of 16 State boards of health.[2]

Antitoxin.—Provision for the distribution of diphtheria antitoxin by health authorities is contained in the laws as follows: In Alabama, Colorado, and Illinois, the State board of health is required to establish stations or depots in every county in the State for the free distribution of antitoxin to indigent patients. In Colorado, however, the distribution is made only through physicians. A similar provision for the establishment of antitoxin stations exists in Iowa and Mississippi, but the product is to be sold at "reduced rates." In Georgia the statutes require the State board of health to furnish free antitoxin to county authorities for charitable purposes. In Connecticut the State board of health is empowered to furnish antitoxin to local health officers as needed, and also in Massachusetts, for the use of the people in general. The State board of health is required to furnish it free of cost in New Jersey to indigent and in South Carolina and Vermont to all patients, the distribution to be made in the latter States through physicians; while acting under their general powers, the product is furnished by State health authorities free to indigent patients in Kansas, New York, Oklahoma, Pennsylvania, and Rhode Island, and at cost to all persons in Texas. In California the board may furnish it at cost, and in Delaware the State board of health has authority to supply it to quarantined patients, but the product must be paid for by the patient, if able to pay, and otherwise by the local authorities. In Oregon there is provision for the furnishing of free antitoxin by the State board of health, but only to interstate passengers who have been exposed to diphtheria, and in cases of emergency. In West Virginia the State board of health may require county health officers to keep a supply of antitoxin to furnish to the poor and also its secretary to have on hand a supply for use in emergencies.

Local authorities are required by law to furnish free antitoxin as follows: In Indiana, by counties, cities, and towns to indigent persons under certain restrictions aimed at preventing abuses of the privilege, if application is made on blanks furnished by the State board of health. A similar provision is in force in Maine, but the antitoxin is contracted for by the State board of health and paid for by the local authorities. In North Carolina the State board of health is required to furnish at cost antitoxin to county, city, and town authorities for free distribution to indigent patients. In Ohio county commissioners furnish on certificate of local health officers

[1] Delaware, Idaho, Indiana, Iowa, Kansas, Maine, Maryland, New Jersey, Ohio, Oregon, Pennsylvania, Tennessee, Texas, Utah, Wisconsin.

[2] Arizona, California, Connecticut, Georgia, Illinois, Louisiana, Michigan, Minnesota, Missouri, Montana, Nebraska, Oklahoma, South Dakota, Vermont, Washington, Wyoming.

free antitoxin to indigent patients; while in Wisconsin local boards of health are required to furnish it free to such persons in accordance with the directions of the State board of health.

Specific appropriations to carry out the above provisions are contained in the laws of Delaware, Illinois, Iowa, Massachusetts, New York, and North Carolina; the Alabama, Georgia, and South Carolina laws requiring that part of the appropriation of the State board of health be used for this purpose. The original Colorado and New Jersey laws carry appropriations, but it is not known whether the sums named have been reappropriated by the respective legislatures in subsequent sessions.

The amounts specifically appropriated by the various States for supplying diphtheria antitoxin are as follows:

Illinois	$29,000	Colorado	$5,000
Massachusetts	[1] 20,000	Iowa	2,000
New York	[2] 17,000	North Carolina	1,000
Connecticut, New Jersey	6,000	Delaware	500

Scarlet fever.—By law or by regulation of the State board of health, scarlet fever has been declared "communicable" or "dangerous to the public health" in all the States, with the exception of New Mexico and Rhode Island, and in the District of Columbia, Alaska, Hawaii, and Porto Rico. The States in which it has been so classified by regulation are Arkansas, Florida, Illinois, Louisiana, Minnesota, Mississippi, Missouri, New York, Oklahoma, and Vermont.

Measles.—Measles is one of the diseases designated for control by the health authorities by law in 14 States,[3] the District of Columbia, Alaska, and Hawaii; and by regulations of the State boards of health in 25 States.[4]

Cerebrospinal meningitis.—Cerebrospinal meningitis is one of the diseases designated for control by State authorities by law in 11 States,[5] the District of Columbia, Alaska, Hawaii, and Porto Rico, and by regulation of the State boards of health in 26 States.[6]

Serum.—Antimeningococcic serum is furnished by the State board of health in Kansas, Oklahoma, and South Carolina free to indigent patients, and in Texas at cost.

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[1] To be used also for supplying smallpox and antityphoid vaccine.

[2] To be used also for supplying other serums.

[3] Arizona, California, Idaho, Indiana, Maine, Maryland, Massachusetts, Montana, New Hampshire, North Carolina, Pennsylvania, Texas, Utah, Wisconsin.

[4] Arizona, Arkansas, Connecticut, Florida, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Vermont, Virginia, Washington, Wisconsin, Wyoming.

[5] Alabama, California, Idaho, Iowa, Kansas, Maine, Montana, Pennsylvania, Rhode Island, Texas, Utah,

[6] Arkansas, Connecticut, Florida, Indiana, Louisiana, Maryland, Massachusetts, Michigan, Minnesota. Missouri, Montana, Nebraska, New Hampshire, New York, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Vermont, Washington, West Virginia, Wisconsin, Wyoming.

Anterior poliomyelitis.—This disease is mentioned in the laws of 7 States,[1] Alaska, and Hawaii, and in the regulations of the State boards of health of 27 States [2] and the District of Columbia.

Whooping cough.—Whooping cough is referred to in the laws of 12 States,[3] the District of Columbia, Alaska, Hawaii, and Porto Rico, and in the regulations of the State boards of health of 21 States.[4]

Rubeola or rotheln.—In the laws of 4 States [5] and in the regulations of the State boards of health of 7 States.[6]

Ophthalmia neonatorum.—In the laws of 23 States [7] and Porto Rico, and in the regulations of the State boards of health of 7 States [8] and the District of Columbia.[9]

In 7 States[10] and the District of Columbia preventive outfits are furnished free to physicians by the State health authorities, in 2 other States [11] the use of a prophylactic at every birth occurring in lying-in hospitals being required.

Erysipelas.—In the laws of 2 States [12] and Alaska and in the regulations of the State boards of health of 4 States.[13]

Puerperal fever.—In the Pennsylvania law and in the regulations of the State board of health of Oklahoma. A provision in the Colorado statutes authorizes local boards of health to require physicians and midwives to refrain from practicing their profession if cases of the disease occur in their practice, while the Maryland law provides that a midwife, nurse, or other person not a physician attending a parturient who finds her with fever must report the fact to the health authorities and refrain from attending women confined until the health officer gives permission.

Tuberculosis.—The laws relative to tuberculosis will be published and analyzed in a separate publication, and consideration of them is therefore withheld.

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[1] California, Idaho, Iowa, Montana, New Jersey, Rhode Island, and Utah.

[2] Arkansas, Florida, Indiana, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Vermont, Virginia, Washington, Wisconsin, Wyoming.

[3] Arizona, California, Idaho, Maine, Maryland, Massachusetts, Montana, Nebraska, North Carolina, Pennsylvania, Texas, Utah.

[4] Arkansas, Connecticut, Indiana, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Montana, New York, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Vermont, Washington, Wisconsin, Wyoming.

[5] California, Idaho, Texas, Utah.

[6] Arizona, Oklahoma, Pennsylvania, Tennessee, Vermont, Washington, and Wisconsin.

[7] Connecticut, Idaho, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Wisconsin.

[8] Arkansas, Kansas, Louisiana, Minnesota, Nebraska, Oregon, Washington.

[9] For a complete discussion of the laws relative to the subject, see Public Health Bulletin No. 49.

[10] Kansas, Massachusetts, New Jersey, New York, Rhode Island, Vermont, Wisconsin.

[11] Michigan, Wisconsin.

[12] California, Pennsylvania.

[13] Michigan, Minnesota, South Dakota, Vermont.

Pneumonia.—In the laws of 3 States [1] and Porto Rico and in the regulations of the State boards of health of 8 States.[2]

Rabies.—The laws relative to rabies will be analyzed and published in a separate bulletin.

Typhoid fever.—In the laws of 15 States,[3] the District of Columbia, Alaska, Hawaii (also para-typhoid), and Porto Rico, and in the regulations of the State boards of health of 24 States.[4]

Antityphoid vaccine is distributed by the State health authorities of Florida (to indigent only), Illinois, Indiana, Kansas, Maryland, Massachusetts, Minnesota, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Texas, and Washington, specific authority for the distribution of this product being contained in the Illinois, Massachusetts, New York, and Oklahoma laws.

Pellagra.—In the laws of 1 State,[5] and in the regulations of the State health authorities of 5 States.[6]

Hookworm disease.—In the laws of 1 State [5] and Porto Rico; and in the regulations of the State health authorities of 5 States.[7]

Acting in cooperation with the Rockefeller Sanitary Commission, the State boards of health of 10 Southern States [8] have established organizations for the eradication of this disease. This organization consists of a State director of sanitation appointed conjointly by the State board and the commission, and a field force of sanitary inspectors nominated by the director of sanitation and confirmed by the board and the commission. The work is conducted under the general supervision of the State board of health, to whom the director reports quarterly, his reports being afterwards transmitted to the commission. The necessary microscopic examinations are made at the laboratories of the State health authorities. In two of these States [9] it is provided that part of the appropriation of the State board of health must be used in eradicating this disease. Similar campaigns are in progress in Florida and Porto Rico, but under the management of the State or insular health authorities exclusively; while in Texas steps are being taken to perfect a similar organization.

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[1] California, Pennsylvania, Utah.

[2] Louisiana, Michigan, Mississippi, New York, Oklahoma, Oregon, South Dakota, Vermont.

[3] Alabama, California, Connecticut, Georgia, Idaho, Maine, Maryland, Montana, New Hampshire, New Jersey, Ohio, Pennsylvania, Texas, Utah, Wyoming.

[4] Arizona, Arkansas, Florida, Illinois, Indiana, Kansas, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Vermont, Virginia, Washington (also paratyphoid), Wisconsin.

[5] California.

[6] Arkansas, Mississippi, New York, Pennsylvania, and Washington, and the District of Columbia.

[7] Arkansas, Mississippi, Pennsylvania, Virginia, and Washington.

[8] Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia.

[9] Mississippi, North Carolina.

Malaria.—In the laws of 3 States [1] and Porto Rico, and in the regulations of the State boards of health of 6 States.[2]

The laws of 5 States [3] name specifically among the duties of State health authorities the prevention of the spread of malarial diseases.

Cancer.—In the regulations of the State health authorities of Michigan, Mississippi, and New York, for the avowed purpose of securing statistical data relative to the disease.

In New York a State institute having for its object the study of cancer and allied diseases was established by law in 1911 in the city of Buffalo.

COMMON BENIGN DISEASES.

The diseases under this heading mentioned in State laws and regulations are:

Mumps.—In the laws of 8 States,[4] Alaska and Porto Rico, and in the regulations of the State boards of health of 8 States.[5]

Chicken-pox or varicella.—In the laws of 7 States,[6] the District of Columbia and Hawaii, and in the regulations of the State boards of health of 20 States.[7]

DANGEROUS LOATHSOME DISEASES.

The diseases of this description mentioned are the following:

Leprosy.—In the laws of 10 States [8] the District of Columbia, Alaska, Hawaii, and Porto Rico, and the regulations of the State boards of health of 18 States.[9]

State, municipal, or Territorial leper homes or settlements are maintained in California, Hawaii, Louisiana, Massachusetts, and Porto Rico. Provision for the establishment of one such institution is also contained in the Texas laws, but owing to difficulties as to locating it its opening has been indefinitely postponed.

Venereal diseases.—A beginning has been made in various States to prevent the spread of venereal diseases. In only 5 States [10] is the notification of such diseases required by law, although in 1 Territory [11] cases of cutaneous syphilis are to be reported, and in two

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[1] California, New Jersey, Pennsylvania.

[2] Arizona, Arkansas, Mississippi, South Dakota, Vermont, Washington.

[3] Arizona, Mississippi, North Dakota, Oklahoma, and South Dakota.

[4] California, Connecticut, Idaho, Maryland, Massachusetts, Montana, Pennsylvania, Texas.

[5] Nebraska, Oklahoma, Oregon, South Carolina, Tennessee, Utah, Vermont, Wyoming.

[6] California, Idaho, Massachusetts, New Jersey, Pennsylvania, Texas, and Utah.

[7] Arizona, Arkansas, Connecticut, Indiana, Maine, Maryland, Minnesota, Mississippi, Nebraska, New York, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Vermont, Washington, Wisconsin, Wyoming.

[8] Alabama, California, Connecticut, Iowa, Maryland, Massachusetts, New Jersey, Pennsylvania, Texas, Utah.

[9] Arizona, Arkansas, Connecticut, Florida, Illinois, Indiana, Louisiana, Michigan, Mississippi, Nebraska, New York, Oklahoma, Oregon, South Carolina, South Dakota, Washington, Wisconsin, Wyoming.

[10] California, Iowa, Utah, Vermont, Wisconsin.

[11] Porto Rico.

States [1] reports of both syphilis and gonorrhea are required by regulation of the State board of health. In 1 State [2] the State board of health is required to provide at the expense of the State free laboratory diagnosis of both syphilis and gonorrhea, free vaccine treatment of gonorrhea, and treatment at cost of syphilis together with educational literature. The employment of persons with venereal diseases in food-handling establishments is forbidden in 12 States [3] by law, and in 6 [4] by regulation of the State health or food authorities; in bakeries in 5 States; [5] in bakeries, confectioneries, and ice-cream establishments in 2,[6] and in meat-handling establishments in 1.[7] In 17 States [8] provisions have been made to prevent the spread of syphilis in barber shops by forbidding the exercise of the trade to persons with the disease, requiring sterilization of tools and knowledge on the part of the barber of the most common manifestations of skin disease, etc.

In 1 State [9] the law specifies that venereal patients must be furnished hospital facilities, and that prisoners with syphilis must be isolated, their retention in prison until cured being required in 2 States.[10] Marriage of persons with venereal disease in a communicable stage is interdicted in 7 States,[11] sterilization of syphilitic patients in public institutions being required in 1.[12] In various States [13] certificates showing the absence of communicable disease on the part of the applicants are made a condition to the issue of a marriage license.

Employment of venereal patients as janitors in schools or as teachers is forbidden in 1 State,[14] and their attendance as pupils at schools is interdicted in 1 State.[15]

Dissemination of information relative to these diseases or to remedies therefor is forbidden by the laws of 4 States,[16] while in 2 States [17] laws contain provisos exempting venereal diseases from being considered as "communicable" and therefore subject to control by

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[1] Indiana, Michigan.
[2] Vermont.
[3] California, Colorado, Connecticut Illinois, Indiana, Iowa, Minnesota, Missouri, Nebraska, North Dakota, Tennessee, Wyoming.
[4] Arkansas, Kansas, New Hampshire, Ohio, Oklahoma.
[5] New York, Oklahoma, Pennsylvania, Washington, Wisconsin.
[6] New Jersey, Rhode Island.
[7] Utah.
[8] Arkansas, Colorado, Connecticut, Illinois, Kansas, Louisiana, Michigan, Minnesota, Missouri, New Hampshire, North Dakota, Oregon, Rhode Island, Texas, Utah, Washington, Wisconsin.
[9] Massachusetts.
[10] Massachusetts and Connecticut.
[11] Indiana, Michigan, North Dakota, Oregon, Utah, Washington, Wisconsin.
[12] Iowa.
[13] Pennsylvania.
[14] Indiana.
[15] West Virginia.
[16] Massachusetts, Minnesota, Ohio, Oregon.
[17] Connecticut and Tennessee.

health authorities. The laws of 2 States [1] penalize the willful communication of either syphilis or gonorrhea.

An appropriation of $20,000 was made recently in Oregon in favor of the State Social Hygiene Society for the instruction of the public in sex hygiene.

Trachoma is mentioned in the laws of 4 States [2] and Alaska and Hawaii, and in the regulations of the State boards of health of 9 States,[3] attendance at school of pupils with the disease being also forbidden by the regulations of 5 States.[4]

BENIGN LOATHSOME DISEASES.[5]

Under this heading are included diseases the control of which is usually limited to the exclusion of sufferers from school, those mentioned being:

Scabies.—In the laws of 3 States [6] and in the regulations of the State boards of health of 11 States.[7]

Ringworm.—In the regulations of the State boards of health of 6 States.[8]

Pediculosis.—In the regulations of the State boards of health of 6 States.[9]

Acute conjunctivitis.—In the laws of 2 States [10] and Hawaii, and in the regulations of the State boards of health of 5 States.[11]

Impetigo contagiosa.—In the laws of 1 State [12] and in the regulations of the health authorities of 4 States.[13]

Tonsillitis.—In the laws of 2 States [14] and in the regulations of 2 others,[15] one State law [16] mentioning any contagious mouth disease, and the regulations in force in another State [17] mentioning sore throat.

Influenza.—In the laws of 1 State [18] and in the health regulations of 3 others.[19]

Severe cold or cough.—In the Indiana and Wisconsin regulations, cough being mentioned also in the Vermont rules, and cold and cough

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[1] Iowa, Oklahoma.
[2] California, New Jersey, Pennsylvania, Texas.
[3] Arkansas, Florida, Massachusetts, Minnesota, Montana, New York, Ohio, South Dakota, Washington.
[4] Arizona, Idaho, Maine, New Hampshire, West Virginia.
[5] See also p. 129.
[6] Massachusetts, North Carolina, and Texas.
[7] Arizona, Connecticut, Idaho, Indiana, Maryland, Michigan, Minnesota, New York, Oklahoma, Pennsylvania, and Washington.
[8] Arizona, Idaho, Kansas, Maryland, Minnesota, and Washington.
[9] Connecticut, Idaho, Indiana, Michigan, New York, and Washington.
[10] Maine (any contagious eye disease) and Texas.
[11] Arizona, Michigan, New York, Oklahoma, and Washington.
[12] Texas.
[13] Arizona, New York, Pennsylvania, and Washington.
[14] Massachusetts and Texas.
[15] Arizona and Minnesota.
[16] Maine.
[17] Connecticut.
[18] Massachusetts.
[19] Maryland, Minnesota, and Oklahoma.

in those of Arizona, action to be taken only, however, in the last State when measles is present in the locality.

Vermin.—In the laws of 1 State[1] and in the regulations of 3 State boards of health;[2] any parasitic disease being also included in the Maine law and the District of Columbia and New York regulations.

Any contagious skin disease.—These diseases are mentioned in the Maine law and in the Indiana regulations, sanitary requirements to prevent their spread being also contained in the barber laws of 9 States.[3]

OCCUPATIONAL DISEASES.[4]

The reporting of occupational diseases is required in 13 States,[5] some of these and other States[6] also requiring employers to provide approved devices to prevent the occurrence of such diseases. In another State[7] the State labor authorities are required to promptly report to the State board of health all cases of disease occurring in industrial establishments which may affect the public health; and they may require physicians to report such diseases as are listed by them as occupational. In some States[8] the diseases specified are poisoning by lead, phosphorus, arsenic, mercury, and their compounds, anthrax, and caisson disease, and in other States in addition to the above, poisoning by methyl alcohol or brass,[9] or any other ailment or disease contracted as a result of employment[10] must be reported. In other States[11] reports are required of any "disease or illness due or incident to" "the manufacture or labor in which poisonous chemicals, minerals, or other substances are used or handled by the employees therein in harmful quantities or under harmful conditions." These reports are made to the State health authorities in 9 States[12] and transmitted afterwards to the department of factory inspection in 3 States[13] and to the Commissioner of Labor in 3 States,[14] the reports being made direct to the labor authorities in 4 other States.[15] A fee of 50 cents to physicians for each report is provided in the laws of 2

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[1] Maine.
[2] Indiana, Michigan, and Oklahoma.
[3] Colorado, Illinois, Michigan, Minnesota, Missouri, Texas, Utah, Washington, and Wisconsin.
[4] See also pp. 146.
[5] California, Connecticut, Illinois, Maine, Maryland, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, and Wisconsin.
[6] Illinois, Massachusetts, Missouri, Ohio, Pennsylvania.
[7] Massachusetts.
[8] California, Michigan, Minnesota, New Jersey, New York, and Wisconsin.
[9] Connecticut, New Hampshire, New York, Ohio.
[10] Connecticut, Maine, Maryland and Ohio.
[11] Illinois, Missouri, Pennsylvania.
[12] California, Illinois, Maine, Michigan, Missouri, New Hampshire, New Jersey, Ohio, and Wisconsin.
[13] Illinois, Missouri, and Ohio.
[14] Michigan, New Hampshire, and New Jersey.
[15] Connecticut, Minnesota, New York, Pennsylvania.

States.[1] Monthly examinations of workers in the dangerous occupations mentioned in the law are required in 4 States,[2] inspections of factories by medical inspectors being provided in 2 other States.[3] In Wisconsin, when required by the State board of health, the 5 deputy State health officers are to inquire as to the effects of employment on health with special reference to industrial diseases.

INVESTIGATIONS.

Investigations of disease to determine its identity, prevalence, cause, and danger of spread are of primary importance to secure its control. The powers of State and local authorities in regard to this subject will be given separate consideration.

Power of State authorities.—Specific power to investigate problems relative to the existence of disease is given to State health authorities in practically all the State laws. In most States [4] the language used follows closely that of the Massachusetts statute enacted in 1869, which gives the board power to "make sanitary investigations and inquiries relative to the causes of disease, and especially of epidemics, the source of mortality, and effects of localities, employments, conditions, and circumstances on the public health." In other States the recognition of such power of the board is variously expressed, "to investigate causes, modes of propagation, and means of prevention of endemic, epidemic, infectious, and contagious diseases;" [5] "make examination of nuisances, or of questions, conditions, or circumstances affecting the security of health and life in any locality;" [6] "examine into the causes of communicable diseases in man or domestic animals;" [7] "make careful inquiry as to the cause of disease, especially when contagious, infectious, epidemic, or endemic;" [8] "investigate into the cause of dangerously contagious or infectious diseases;" [9] "investigate the cause of any specific or unusual sickness or mortality;" [10] "investigate the causes, character, and means of preventing such epidemic and endemic diseases as the State is liable to suffer from;" [11] "examine into all nuisances, sources of filth, or causes of sickness that may be injurious to health;" [12] "make sanitary inspections and surveys in all parts of the State;" [13] "make sanitary investigations as it may find necessary for the preservation and improvement of the public health;" [14] "make careful inquiry

[1] California and Connecticut.
[2] Illinois, Missouri, Ohio, Pennsylvania.
[3] Massachusetts and New York.
[4] California, Colorado, Connecticut, Idaho, Kansas, Kentucky, Maine, Michigan, Minnesota, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, Rhode Island, Tennessee, Utah, Vermont, West Virginia, Wisconsin, Wyoming.
[5] Alabama.
[6] New York, Pennsylvania.
[7] California.
[8] Delaware, Georgia, Ohio, Washington.
[9] Illinois.
[10] Maryland.
[11] South Carolina.
[12] New Mexico.
[13] Indiana, Kansas, Kentucky.
[14] Illinois, Iowa.

into the causes of the various contagious, infectious, and endemic diseases;"[1] "make a study of the causes and prevalence of infectious and contagious diseases within the State;"[2] "make research and study of infectious diseases, of epidemics;"[3] "examine into all causes of sickness or disease;"[4] "or make a study of the causes and prevention of infectious, contagious, and communicable diseases."[5]

State health officer.—In some States[6] the executive officer of the State board of health is required to investigate all outbreaks of epidemic diseases; in one, all reported cases of yellow fever, smallpox, cholera, or rabies;[7] and in other States[8] he is empowered to make such investigations. In a number of States[9] the board has specific authority to send him to any locality to investigate sanitary conditions; and in one State[10] either he or a properly designated member of the State board may go to any part of the State to investigate the need for the establishment of quarantine. He is to visit localities at the request of local authorities[11] or a certain number of taxpayers.[12] In various States[13] he would have this power under the laws authorizing him to act in emergencies when the board is not in session, such authority being expressly conferred on him in those States where the board has only advisory powers[14] or does not exist.[15] Similar powers are to be inferred from those statutes[16] which authorize him to enter infected premises or establish quarantine under the direction of the State board of health.

Committees.—The right of the board to delegate its authority to investigate sanitary conditions to a committee of its members is recognized in the laws of various States.[17] In another[18] at the request of 20 taxpayers the board may as a body visit any locality for purposes of investigation, or send a representative; while in two States[19] the executive committees, consisting of three members, must act in

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[1] Nebraska.
[2] Texas.
[3] Virginia.
[4] Hawaii.
[5] Arkansas.
[6] Massachusetts, New Mexico (when complaint is made), Virginia, Washington.
[7] Florida.
[8] California, Oklahoma.
[9] Connecticut, Delaware, Maine, Maryland, Michigan, Nevada, Oregon, South Carolina, Wisconsin.
[10] Alabama.
[11] Montana, South Carolina, West Virginia.
[12] Florida, Wyoming.
[13] Illinois, Montana, Virginia, Wyoming.
[14] Arkansas, Pennsylvania, Porto Rico.
[15] New York, Oklahoma.
[16] Arizona, Louisiana, North Dakota, South Dakota, etc.
[17] Connecticut, Delaware, Kansas, Kentucky, Maine, Maryland, Michigan, Mississippi, Oregon, Wisconsin.
[18] Wyoming.
[19] Mississippi, North Carolina.

this as in any other matter during the intervals when the board is not in session.

Experts.—Express mention of the power of the State board of health to employ experts to conduct necessary investigations is contained in the laws of various States.[1]

Inspectors.—In various States[2] power is granted the State board of health to appoint medical inspectors, as in California "for the inspection, examination, etc., of persons, places, and things," or as in New Jersey "to investigate local epidemics, etc.," or as in New Hampshire to employ food inspectors "to investigate local sanitary conditions in conjunction with and upon request of local boards of health," or as in Michigan to appoint one or more members of the board as State medical inspector with the same right to investigate epidemics and sources of sickness as the State and local health authorities.

Specific power to establish systems of inspection to ascertain the presence of communicable diseases is given in two States,[3] while in several others[4] a similar power is granted, but this apparently only contemplates emergencies.

In various States[5] the State health commissioner is empowered to employ such "assistants as are necessary," and this would naturally extend to the appointment of inspectors, while in one State[6] the rules of the State board authorize the State health officer to appoint sanitary inspectors whenever necessary.

Specific provisions for the obligatory appointment of sanitary inspectors charged with the constant supervision of a certain section of the State have been made in only a few States, viz, Massachusetts, 14; New York, 20; Porto Rico, 2; Illinois, 1; Wisconsin, 5; Hawaii, 1 for each sanitary district. In Nebraska and Texas the appointment of 1 State inspector is obligatory; in Colorado there is an annual appropriation of $900 for the salary of a medical inspector; in Utah part of an appropriation of $9,000 may be used for the expenses of special medical inspectors; and in Kentucky part of the general appropriation of the board may be used in employing sanitary inspectors. Part of the general appropriation of the board is used in Mississippi for the employment of a State sanitary inspector.

Special investigations.—Occasionally specific appropriations are made by State legislatures for investigations by the State health authorities of certain sanitary problems. Such appropriations have

[1] Connecticut, Kansas, Louisiana, Massachusetts, Minnesota, Mississippi, New York, Pennsylvania, Virginia, Wisconsin.

[2] California, District of Columbia, Hawaii, Louisiana, Maryland, Massachusetts, Michigan, New York, Pennsylvania, Porto Rico, Texas, Utah, Vermont, Wisconsin.

[3] Maine, Wisconsin.

[4] Colorado, Delaware, Kansas, Kentucky, New Hampshire, Oregon, Tennessee, Washington.

[5] New York, Pennsylvania, Virginia, Washington.

[6] Florida.

in recent years been made for investigations of infantile paralysis,[1] tuberculosis,[2] Rocky Mountain spotted fever,[3] effect of industrial occupations on health,[4] and injury to eyesight by improper lighting of factories.[5] In one State[6] it is provided that part of an appropriation of $7,500 shall be expended in the investigation of such contagious diseases as tuberculosis, typhoid fever, scarlet fever, influenza, and malaria; in another[7] an appropriation of $4,500 for original research and investigation and suppression of communicable and industrial diseases; in another,[8] part of an appropriation of $9,000 in the investigation of any disease; and in another,[9] part of an appropriation of $9,000 for special investigations. In the State of Maryland it is made the duty of one of the bureaus of the State health department to "examine into and investigate epidemics," and in Porto Rico to study tuberculosis, uncinariasis, and other tropical diseases. In Massachusetts a recent resolution of the legislature requires the State boards of health and insanity to report, after a joint investigation, on any measures which are deemed necessary for the further restriction of marriage.

In some States[10] specific authority is granted the board to spend part of its appropriation for investigations; in others, the authority to do so is implied.

State research institutions.—In New York an institute having for its object the investigation of cancer and allied diseases is maintained in the city of Buffalo, an appropriation of $60,000 having been made for its support during the present fiscal year.

In Porto Rico an institute of tropical medicine and hygiene has been recently created under the administration of the insular director of sanitation for the investigation of uncinariasis and other communicable diseases and the instruction of sanitary officers, an appropriation of $20,000 being available for the expenses of the institute.

Laboratory investigations.—There is provision in all the States except four[11] for the establishment of State laboratories. Their chief purpose as specified in the law or defined by regulations of the State health authorities is to aid in the correct diagnosis of disease. In most States[12] examinations are made of specimens from cases of practically

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[1] Massachusetts, Rhode Island.
[2] California, Massachusetts, Minnesota.
[3] Montana.
[4] Ohio.
[5] Massachusetts.
[6] Illinois.
[7] Kansas.
[8] Mississippi.
[9] Michigan.
[10] Illinois, Michigan.
[11] Arizona, New Mexico, Tennessee, Wyoming.
[12] Arkansas, California, Connecticut, Delaware, Florida, Indiana, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Texas, Vermont, Wisconsin.

every communicable disease. In some States it has been deemed advisable to limit the examinations to certain specified diseases—diphtheria;[1] diphtheria, malaria, and hookworm disease;[2] tuberculosis, diphtheria, and typhoid fever;[3] diphtheria and rabies;[4] tuberculosis, diphtheria, typhoid fever, and malaria;[5] tuberculosis, diphtheria, typhoid fever, and cerebrospinal meningitis;[6] tuberculosis, diphtheria, typhoid fever, malaria, and cerebrospinal meningitis;[7] and tuberculosis, diphtheria, typhoid fever, malaria, and hookworm disease.[8]

Provision is also made in various States for the examination of pathological specimens from cases of malignant disease,[9] of feces and urine,[10] of sewage,[11] water,[12] and milk.[13]

In those States not mentioned above the respective laws provide that the State laboratory shall furnish scientific aid in the diagnosis and treatment of disease,[14] or such investigations as the State health authorities may require,[15] a similar purport being implied in the other States[16] in which the uses of the State laboratories have not been defined by either law or regulation.

The use of the laboratory is usually restricted to health officials and physicians; but in some States it is extended to veterinarians,[17] to veterinarians and dentists,[18] or to all the citizens.[19] No charges are to be made for the examinations, but in one State[20] it is provided that a nominal charge will be demanded for examinations of samples of water for private parties, and in another,[21] the State board may do so at its discretion. In most States routine examinations are

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[1] Colorado.
[2] Georgia.
[3] Iowa, Maine.
[4] Minnesota.
[5] Kansas, Massachusetts, Rhode Island.
[6] District of Columbia, New York.
[7] Illinois.
[8] Virginia, Washington.
[9] California, Delaware, Florida, Kansas, Michigan, Missouri, and Pennsylvania; and also in Indiana, but only for indigent persons.
[10] California, Delaware, District of Columbia, Florida (only feces), Louisiana, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, Pennsylvania, South Carolina.
[11] Connecticut, Ohio, Oklahoma, Pennsylvania, Rhode Island.
[12] California, Connecticut, Delaware, District of Columbia, Florida, Louisiana, Maine, Iowa, Illinois, Kansas, Massachusetts, Michigan, Mississippi, Missouri, Maryland, New Hampshire, New Jersey, New York, North Dakota, Ohio, North Carolina, Oklahoma, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, Wisconsin.
[13] California, Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, Michigan, Mississippi, North Dakota, Oregon, Pennsylvania, Vermont, Wisconsin.
[14] Alabama.
[15] South Dakota, Texas, Utah.
[16] Idaho, Montana, Nevada.
[17] Wisconsin.
[18] Delaware.
[19] Delaware (at discretion board), Indiana, Iowa (in the case of water), Oregon, Vermont.
[20] Michigan.
[21] Idaho.

made at the State laboratories only for those communities which do not maintain local laboratories.

Appropriations for laboratories.—Appropriations for the maintenance of existing State hygienic laboratories have been as follows during recent fiscal years:

	1912	1913	1914
Vermont		$15,000	
New York		14,000	
California		10,000	
Indiana	$10,000		
Connecticut			$9,000
Minnesota		9,000	
Hawaii			8,800
Ohio	[1] 8,080	9,240	
New Jersey		8,200	
Connecticut		8,000	
New Hampshire		[2] 6,300	
Iowa		6,000	
Michigan		[3] 5,000	
Nevada		5,000	
Maine		4,500	
North Carolina		[4] 4,000	
Illinois		4,000	
Delaware, Nebraska		3,500	3,500
Idaho		3,500	3,400
South Dakota		2,500	
Kentucky		[5] 2,500	
Washington		2,100	
Texas		1,800	
Utah		1,750	450
Kansas		1,700	
Colorado		1,000	1,500
Arkansas		500	

[1] In addition, part of an appropriation of $4,000 for the purchase of supplies.
[2] Includes appropriation for food and chemical laboratory.
[3] In addition, fees derived from water examinations for private parties.
[4] In addition, annual tax from water companies of the State.
[5] For the salary of bacteriologist and assistants.

In a number of States [1] the expenses of the hygienic laboratory must be paid out of the general appropriation for the State board of health or one of the various appropriations under the control of that board; in others,[2] from the funds appropriated to the State university. In some States, as Kansas, laboratory work is in addition done at the State university or other institution. The amount mentioned in the above table may not, therefore, represent the total expenditures in these States for laboratory work.

Branch laboratories.—Specific authority for the establishment of branch laboratories of the State board of health is contained in the laws of two States.[3] In one[4] a specific appropriation of $1,500 is provided for their maintenance. Such branches are at present maintained in four States,[5] in one of them [4] the city and county in which one is established contributing to their support. In New York not only is the State commissioner of health empowered to maintain

[1] Alabama, Florida, Georgia, Maryland, Massachusetts, Mississippi, Missouri, Oregon, Pennsylvania, Porto Rico, South Carolina, Virginia.
[2] Arkansas, North Dakota, Oklahoma, Wisconsin.
[3] California, Idaho.
[4] Minnesota.
[5] California, Florida, Minnesota, North Dakota.

laboratories for "routine examinations and for original investigations and research," but he may also contract with laboratories in various parts of the State for the examination of specimens submitted by nearby health officers and physicians.

County and city laboratories.—There is no provision in any of the health laws compelling the establishment of local laboratories. In some States [1] the establishment of county and in another [2] city and town laboratories is expressly authorized, the laws of another State [3] providing that the city health officer shall have charge of the municipal laboratory and make such investigations as shall be deemed advisable by the local board of health. Under the provisions contained in city charters or local ordinances hygienic laboratories have been established and are now maintained by practically all the large cities of the country, as a necessary adjunct to the work of their respective health authorities.

Investigations by local health authorities.—The power to conduct investigations is naturally implied in the laws analyzed elsewhere relative to the control and prevention of communicable diseases by local authorities. In a number of States the duty of local health authorities to conduct such investigations is given emphatic expression in the law. They must examine into all causes of sickness; [4] inspect houses or places when belief exists or complaint is made that a contagious disease prevails; [5] investigate into the facts when a case of communicable disease comes to their knowledge; [6] make sanitary inspections when they have reason to suspect anything exists that may be detrimental to the public health; [7] use diligence in the discovery of disease; [8] investigate all circumstances concerning the appearance of a dangerous contagious or infectious disease; [9] examine into all causes of danger to the public health; [10] or investigate houses or places suspected of harboring unreported communicable disease.[8] In three States [11] the county board of health is to order the health officer to investigate immediately any case of disease dangerous to the public health; in one [12] the State board of health may do so; in others [13] the local health officer must make such investigations unless otherwise directed by the local board of health; while in others [14]

[1] Massachusetts, New York.
[2] Alabama.
[3] Indiana.
[4] Arizona, Colorado, Connecticut, Hawaii, Kansas, Massachusetts, Michigan, New Hampshire.
[5] Delaware, Idaho, Ohio, Tennessee, Utah.
[6] Alabama, Arizona, Florida, Maryland, Nebraska (by regulation), North Dakota, Rhode Island, Texas, Vermont, and Wisconsin.
[7] Montana, Vermont, Virginia.
[8] Utah.
[9] Mississippi, Washington, Wisconsin.
[10] New Hampshire; and on complaint, also in New York and Utah.
[11] Idaho, Tennessee, Wyoming.
[12] Mississippi.
[13] Colorado, Michigan.
[14] Kansas, Kentucky, South Dakota.

the laws authorize but do not direct local health authorities to examine into all causes of sickness.

Entering premises.—In addition to the above provisions, the right of health authorities to enter private premises is recognized as follows: Whenever a case of communicable disease exists or is suspected;[1] to make sanitary inspections;[2] in regard to the possible presence, source, or cause of disease;[3] or when conditions dangerous to the public health are known or believed to exist.[4] In other States,[5] when entrance on private premises is deemed necessary, the local justice of the peace is to issue, on complaint, a warrant to the sheriff or peace officer ordering him to accompany the health officer for the purpose of preventing or abating any source of sickness; in one State [6] the local health officers themselves being empowered to issue such a warrant.

Doubts as to diagnosis.—In cases of doubt as to correct diagnosis, the local health officer is to consult the other members of the county board of health, and, if necessary, the State health officer.[7] In other States debatable questions relative to the cause or nature of sickness [8] or questions in regard to correct diagnosis in a suspected case of smallpox [9] must be referred to the State board of health; while in another State [10] the State board may send experts to diagnose any case of disease; and in another [11] the local health officer must in such cases request a bacteriological examination at the State laboratory of hygiene. In one State [12] it is specified that the opinion of the health officer in doubtful cases will prevail until the State board of health decides otherwise.

INSPECTIONS.[13]

Powers of State authorities.—In many States [14] the laws, patterned after the Massachusetts act, empower the State health authorities to inspect public buildings or institutions, whenever requested or they deem necessary, for the purpose of giving advice in regard to sanitary matters. In various laws they are authorized to visit State

[1] Minnesota, Pennsylvania, Porto Rico, South Carolina, Virginia, West Virginia, District of Columbia.
[2] Vermont.
[3] Indiana.
[4] Maine, New York.
[5] Arizona, Colorado, Delaware, Hawaii, Iowa, Michigan, New Jersey, North Dakota, Wisconsin.
[6] Virginia.
[7] Alabama.
[8] Maryland.
[9] New Hampshire.
[10] Louisiana.
[11] Wisconsin.
[12] Washington.
[13] See also index.
[14] Colorado, Delaware, Georgia, Idaho, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Montana, Nevada, North Carolina, Ohio, Pennsylvania, Tennessee, Washington, Wyoming.

institutions;[1] inspect and examine places and things;[2] inspect all public buildings and institutions;[3] enter public grounds, vehicles, public buildings, and any place;[4] inspect all public places and buildings;[5] all public schools, hospitals, asylums, jails, theaters, depots, markets, and all public places and institutions;[6] such places and localities as they may deem advisable;[7] take cognizance of the sanitary condition of all public buildings and institutions, whether State or local;[8] inspect sanitary condition of any building, shop, house, or place, [9] or charitable institutions at the request of the superintendent of State charities;[10] the general power to conduct sanitary inspections being recognized in various States.[11]

Duties of State authorities.—Sanitary inspections by State health authorities are made obligatory by law as follows: Of schools, prisons, railroads, public institutions, and all places and buildings of public resort,[12] of all State institutions and at least once a year of the hospital for the insane, the penitentiary, and the soldier's home,[13] of any State or local hospital, jail, school, public building, factory, or tenement house,[14] of schools, prisons, public institutions, mines, railroads, street cars, and all buildings and places of public resort,[15] of contagious disease hospitals, labor camps, and Indian reservations,[16] of churches, schools, and places of public resort,[16] of barber shops,[17] and of any city, town, or place if deemed necessary or requested by the proper authorities or three responsible citizens.[18] Annual inspections are required as follows: Of hospitals,[19] of all public institutions,[20] of all public institutions, including convict camps,[21] of main outlets of sewers and drainage of cities and towns,[19] and of all cities and towns where two railroad lines meet, if deemed necessary.[18]

In Iowa a fund of $2,000 is allotted to the State board of health to be used in responding to petitions by five or more citizens of any community asking aid in the improvement of local conditions.

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[1] Delaware, Idaho, Mississippi, Montana, New Jersey, North Carolina, Oklahoma, South Carolina, Wyoming.
[2] California.
[3] Indiana.
[4] Indiana, Kansas, New York, Pennsylvania, Texas.
[5] Texas.
[6] Alabama.
[7] Kansas, Kentucky.
[8] New Hampshire.
[9] Porto Rico.
[10] New York.
[11] Louisiana, Minnesota, New Jersey, Wisconsin.
[12] Mississippi.
[13] Idaho.
[14] New Jersey.
[15] Oklahoma.
[16] Vermont.
[17] Kansas.
[18] Florida.
[19] Massachusetts.
[20] Montana, New York.
[21] North Carolina, South Carolina.

The inspectors of the State board of health are required to make annual sanitary surveys of their districts,[1] inspect factories, police stations, lockups, jails, etc.,[2] Indian reservations, and labor camps;[3] public vaults, jails, and schools,[3] public buildings, jails, schools, labor camps, dairies, slaughterhouses, factories, and hotels,[4] and local sanitary conditions at the request of local authorities, if so directed by the State board of health.[5]

Powers and duties of local authorities.—Provision for periodical inspections of certain buildings by local health authorities is contained in the laws of States as follows: By county health officer, monthly inspection of convict camps, jails, and county home,[6] quarterly inspection of schools,[6] annual inspection of schools,[7] annual inspection of all county buildings, jails, schools, and other public institutions;[8] by all local health authorities, annual inspection of lockups,[9] monthly inspection of penal and charitable institutions,[10] annual or regular,[11] or semiannual[12] inspections of schools. In addition to these periodical inspections, local health authorities are required to inspect any insanitary premises,[13] insanitary schools,[14] and make sanitary inspections whenever the existence of anything detrimental to the public health is suspected,[15] and annually county health officers must also, when so instructed by the county authorities, inspect schools, prisons, market houses, and places and buildings of public resort in one State.[16] Power is vested in local health authorities to make sanitary inspections and surveys of all public buildings and institutions,[17] and of any building, shop, house, or place,[18] and in the city authorities of another State [19] to provide for frequent inspection of all premises.

In New York and Wisconsin annual sanitary surveys of these jurisdictions must be made by local health officers assisted by the district sanitary supervisors.

In various States,[20] specific power is conferred on local health authorities for the appointment of sanitary inspectors, in some States [21] their appointment being obligatory. Special inspectors for

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[1] New York.
[2] Massachusetts.
[3] Michigan.
[4] Wisconsin.
[5] New Hampshire.
[6] South Carolina.
[7] Mississippi, North Carolina.
[8] Idaho.
[9] Minnesota.
[10] Alabama.
[11] New York (and public places), Utah, Vermont (and places of public resort), Wisconsin (and places of public assemblage).
[12] Ohio.
[13] Kentucky.
[14] North Dakota.
[15] Montana.
[16] Mississippi.
[17] Arkansas, Indiana.
[18] Porto Rico.
[19] Louisiana.
[20] District of Columbia, Massachusetts, New Jersey, New York, Ohio, Wisconsin.
[21] District of Columbia, New Jersey.

the discovery of nuisances may also be appointed,[1] it being provided that the inspectors in the District of Columbia must visit daily all parts of their districts and carefully inspect all streets, alleys, yards, inclosures, stables, privies, slaughterhouses, and every other place where offensive or deleterious matter may exist. In one State,[2] in all unincorporated communities with more than 50 electors, the constable in his capacity as sanitary inspector must inspect every week the grounds surrounding or adjoining dwellings and business structures and require the removal of filth, garbage, or other matter injurious to health or likely to cause sickness.

Inspections required by regulation.—In the regulations adopted by State boards of health, inspections by county health officers are required as follows: At least once a year, of unincorporated communities and industrial camps having more than 100 people, with special attention to sanitary conditions of food establishments, hotels, schools, jails, charitable institutions, public buildings, offensive trades, and water supply and garbage and sewage disposal;[2] of hotels once a year, slaughterhouses and meat markets twice a year, and of barber shops as the occasion may demand;[3] and of hotels twice a year.[4]

Local health officers in general are required to inspect schools and all public buildings and public utilities;[5] to make sanitary surveys, with special attention to conditions of public places and buildings, schools, prisons, hospitals, and charitable institutions,[6] to inspect schools,[7] to inspect at least once a year all schools, churches, theaters, and other public buildings,[8] and to make once a year a thorough sanitary inspection of their communities.[9]

In one State,[10] inspection of schools by local health officers once a month and of nuisances as soon as reported is suggested by the State board of health, and in another,[3] the State board recommends the frequent inspection of public buildings by local boards of health. The appointment of sanitary inspectors for each county, and school inspectors in cities having more than 2,000 inhabitants is urged by one State board of health;[2] while in another State,[11] the State board is authorized by law to require in townships not provided with sufficient sanitary inspection the appointment of sanitary inspectors.

QUARANTINE.

As a means of controlling communicable diseases and preventing their spread, quarantine is one of the chief measures resorted to by health authorities. In its original sense it has been defined as "the adoption of restrictive measures to prevent the introduction of disease

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[1] Ohio, Virginia.
[2] Arizona.
[3] Kansas.
[4] Oklahoma.
[5] Iowa.
[6] Kentucky.
[7] South Dakota.
[8] Arkansas, Montana.
[9] Arkansas, Minnesota, Montana, South Dakota.
[10] Virginia.
[11] New Jersey.

from one country or locality to another." In its broader or more general application, however, it includes the measures adopted to prevent the transmission of infection from the sick to the well.

Maritime quarantine administration has previously been referred to in detail on page 17. It was there stated that supervision over international or maritime quarantine is a function of the Federal Government and that the same authority has supreme jurisdiction also over interstate quarantine. In accordance with governmental policy, however, this latter function is to be exercised by State and local officials in so far as possible. The Federal Public Health Service is required to examine State and municipal regulations, and if these are found inadequate to prevent the spread of contagious and infectious diseases from one State or Territory to another, the Secretary of the Treasury is authorized to issue necessary regulations which may be enforced by State and municipal authorities. If these latter authorities fail or refuse to enforce such regulations, or regulations issued by them under State laws, the Federal Government, through its Public Health Service, may do so, and it is required to cooperate and aid in their measures of prevention.

For the purpose of this bulletin the general administration of quarantine by State or local authorities will be considered under three headings, viz, quarantine against points outside the State, quarantine against localities inside the State, and quarantine against infected premises or persons in the community.

Interstate quarantine.—The power of the governor to declare quarantine is expressly recognized in the laws of various States.[1] In one State[2] the law authorizes him to issue a proclamation forbidding communication with vessels quarantined by the neighboring States and in another[3] it is specifically stated that State quarantine shall only be established with his consent.

The power of the State health authorities to enforce interstate quarantine is given different expression in the various State laws. In some States[4] the State board is authorized to establish quarantine for the State; in others, it is its duty to quarantine against infected territory outside the State,[5] and in still others it is empowered to enforce quarantine regulations,[6] to establish a system of quarantine at certain points or lines of travel,[7] or to enforce rules for the prevention of the

[1] Alabama, Georgia, Maryland, Rhode Island, Texas, Porto Rico.

[2] New Jersey.

[3] South Carolina.

[4] Alabama, Arizona, California, Georgia, Indiana, Michigan, Mississippi, Missouri, Montana, New Hampshire, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wyoming, and Rhode Island (when empowered by the governor).

[5] Arkansas, Oklahoma.

[6] Pennsylvania.

[7] Colorado, Kansas, Kentucky, Maine, Minnesota, New Jersey, New Mexico, North Carolina, Oregon, Tennessee, Utah, Wisconsin, and also Connecticut (for cholera and yellow fever).

introduction of communicable diseases.[1] In certain States the State board is proclaimed the supreme authority in matters of quarantine.[2] In others it is authorized to make land and maritime quarantine regulations,[3] to quarantine vessels,[4] to exercise general supervision over all matters of quarantine,[5] or to have general administrative and executive control over domestic quarantine.[6]

The establishment of interstate quarantine is not, however, restricted in all States to State authorities. In various States [7] power is vested in the health authorities of counties or communities bordering on or near neighboring States to establish systems of inspection for the purpose of detecting infected travelers; in others [8] local boards of health are authorized to establish quarantine on vessels when deemed expedient, or expressly authorized to declare quarantine against any State, county, or place,[9] or merely authorized to establish quarantine.[10]

State authority paramount.—The supremacy of the State authorities in governing the establishment of both interstate and intrastate quarantine receives emphatic acknowledgment in many laws. In some States the State board of health is either declared supreme in such matters [11] or granted authority [12] to revoke or modify any local regulation or ordinance which affects territory over which the local board has no jurisdiction. In others, it is provided [13] that no quarantine can be operated by any locality in the State against any other locality except by authority or with the approval of the State board of health, or subject after its establishment to such approval, modification, or repeal [14] or the approval of the member of the State board of health residing in the district.[15] In some States the authority of the State is declared paramount,[16] in others the State board of health is given exclusive jurisdiction over maritime and supervisory power over land quarantine [17] or direction and control of all quarantine regulations and enforcement.[18] In still others provision is made that the quarantine

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[1] Idaho, Kansas, Kentucky, Maine, Maryland, Montana, Nebraska, New Mexico.
[2] Delaware, Georgia, Hawaii, Illinois, Ohio, Oregon, Washington.
[3] Louisiana, South Carolina.
[4] New Jersey.
[5] Iowa, Utah.
[6] Florida.
[7] Colorado, Kentucky, Maine, Massachusetts, Michigan, North Carolina, Virginia, Washington.
[8] Connecticut, Delaware, Georgia, Massachusetts, Michigan, New Jersey, North Dakota, Rhode Island, South Dakota, Virginia, Washington, Wisconsin, and Ohio, and Oregon (also for railroads and other vehicles), and also Texas (subject to regulations of governor and State health authorities).
[9] Connecticut, Idaho, Oregon.
[10] Alabama, Indiana, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, Oregon, West Virginia, Wyoming.
[11] Delaware, Florida, Georgia, Hawaii, Illinois, Ohio, Oregon, Washington.
[12] New York, Pennsylvania.
[13] California, Florida, New Mexico, Ohio.
[14] Alabama, Delaware, Illinois, Iowa, Kentucky, Mississippi, New Hampshire, Ohio, Oregon, Washington, Wyoming.
[15] West Virginia.
[16] Alabama.
[17] Louisiana.
[18] Arkansas.

established by local authorities must not conflict with the regulations of the State board of health,[1] or must be subject to such regulations or those of the governor,[2] or that the local quarantine regulations must be enforced under the supervision of the State board of health.[3] In the regulations of some State boards of health[4] it is provided that no quarantine shall be established by any city or county against another without the permission of the State board of health.

In only one State, Idaho, is it specifically provided that the quarantine established by county boards of health can only be raised by them.

In some States[5] it is provided that the acts of the State health authorities in establishing quarantine must not conflict with the measures of the National Government, and in others the State board of health[6] is required to cooperate with the national authorities in the establishment of interstate quarantine; while in two States[7] authority is granted to call on the Federal Government for aid in case of epidemic.

Intrastate quarantine.—Subject to the limitations just described, power of local authorities to quarantine against other localities is reposed in county authorities[8] and in municipal authorities,[9] and in one State,[10] under certain conditions, one part of a county may quarantine against another. In other States the power vested in county and municipal authorities to prevent the introduction or spread of disease would naturally extend to quarantine, provided such power is not exercised outside of their jurisdiction; in Louisiana the law requiring that no quarantine be established in or against New Orleans except by the State board of health.

The jurisdiction of municipal authorities for quarantine purposes is in various States extended beyond the municipal limits, one-half mile,[11] 1 mile,[12] 2 miles,[13] 4 miles,[14] 5 miles,[15] 10 miles,[2] or 12 miles,[16]

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[1] California, Iowa.
[2] Texas.
[3] Arizona, Louisiana, North Dakota, South Dakota.
[4] Georgia, Washington.
[5] California, North Carolina, South Carolina.
[6] Utah.
[7] Florida, Mississippi.
[8] Alabama, Arizona, California, Idaho, Illinois, Indiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, Oregon, Texas, Utah, West Virginia, Wyoming.
[9] Alabama, Arizona, Arkansas, California, Connecticut, Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, Ohio, Texas, Utah West Virginia.
[10] Alabama.
[11] Illinois.
[12] Michigan, Tennessee.
[13] Arizona, Wyoming.
[14] Indiana.
[15] Kansas, Louisiana, Mississippi, Wisconsin.
[16] Nevada, Utah.

varying in other States according to the size of the city from 1 mile to 10 miles,[1] from 2 to 5,[2] and 3 to 5.[3]

The power of the State health authorities to quarantine any county, city, or part of the State is given specific mention in many States,[4] while in others the supremacy of its authority in matters of quarantine or the power [5] to make rules applicable to any part of the State, or for a specified period of time, would furnish authority for acting whenever necessary.

Aid in the enforcement of quarantine.—In various States [6] it is provided that the governor shall lend his aid in the enforcement of quarantine established by the State board of health, while in others,[7] both State and local officers, peace officers, sheriffs, constables, etc., are required to enforce the quarantine regulations established by the State health authorities.

In some States [8] the State health authorities, and in others [9] the local health officials, are specifically vested with the powers of a police officer.

Individual quarantine.—The power of health authorities to place any member or members of the community under certain restrictions with a view to preventing the spread of infection is one either directly recognized in all States, or implied in the general powers conferred on those authorities and often interpreted by the courts as covering this point.

While local authorities are in most States authorized to exercise this power through the establishment of quarantine regulations,[10] the quarantining of any person believed to be infected with any communicable disease,[11] or the exercise of the measures necessary to prevent the spread of disease,[12] not in all the States is the enforcement of such quarantine made obligatory. In several States,[13] it is obligatory to quarantine any person with any communicable disease; in others all cases of such diseases as are declared quarantinable by law,[14]

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[1] Kentucky.
[2] Missouri.
[3] Nebraska.
[4] Alabama, Florida, Idaho, Kansas, Louisiana, Mississippi, Missouri, Montana, New Mexico, Tennessee, Vermont, West Virginia, Wyoming.
[5] Delaware, Illinois, Maine, Minnesota, Nebraska, New Mexico, Ohio, Vermont, West Virginia, Wisconsin.
[6] Florida, Michigan, Mississippi, and also Oklahoma (if he deems it expedient).
[7] Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Iowa, Louisiana, Maine, Montana, Nebraska, Nevada, New Jersey, New Mexico, Ohio, Oklahoma, Oregon, South Carolina, Texas, Vermont, Washington Wisconsin.
[8] Florida, Indiana, Louisiana, Pennsylvania, Porto Rico, Texas, Wisconsin.
[9] Oregon, Virginia.
[10] Mississippi, Missouri, Nebraska, Nevada, New Jersey, North Dakota, Ohio, Rhode Island.
[11] Connecticut, Illinois, Montana, Washington, and West Virginia.
[12] Arizona, Kentucky, Massachusetts, Nebraska, Nevada, Oklahoma, Washington, and Wisconsin.
[13] Arizona, Kansas, Maine, New Hampshire, Rhode Island, and South Carolina.
[14] Delaware, Idaho, Ohio, Oregon, Tennessee, Wisconsin, and Texas.

or by law or regulation of the State board of health.[1] In others,[2] the local health authorities must enforce the quarantine regulations prescribed by the State board. In two,[3] the local health officer is authorized to quarantine any person believed to be infected with any communicable disease unless otherwise ordered by the local board, and in one,[4] while the local health officer is to institute measures to prevent the spread of disease, his action is subject to the approval of the county board of health, and it rests with the county or city authorities to enforce the isolation or detention recommended by the health officer.

Control of State authorities over local quarantine.—While the enforcement of household quarantine or isolation is thus specifically intrusted to local health authorities, the right of the State health authorities is specifically asserted to quarantine any person,[5] to quarantine, isolate, and disinfect persons and animals,[6] to have direction and control over all sanitary and quarantine measures and suppress diseases and prevent their spread,[7] to adopt the necessary sanitary measures in localities whose health authorities are unable or unwilling to act,[8] or to take charge of the control of epidemics either in cooperation with local officials or independently.[9] In many States[10] it is specifically provided that the regulations adopted by the State health authorities must be enforced by local health authorities, while the regulations of the latter must not conflict with regulations of the State board of health,[11] and must be approved,[12] or may be modified or revoked[13] by the State board.

Diverse quarantine requirements for various diseases.—In 18 States[14] no attempt has been made to define by either State law or regulation the specific precautions deemed necessary for the control of each of the different diseases considered as quarantinable. It becomes, therefore, apparently a question of interpretation by local authorities as to what the application of the general measures on the statute

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[1] California, Indiana, New York, and Utah.

[2] Arkansas, Florida, Louisiana, North Carolina (only for cholera, plague, yellow fever, and typhus fever), Porto Rico, South Carolina, Tennessee, Vermont, Virginia, and Wisconsin.

[3] Colorado and Michigan.

[4] Alabama.

[5] Arizona, North Dakota, Porto Rico, South Dakota, and Tennessee.

[6] California.

[7] Arkansas.

[8] Colorado, Delaware, Idaho, Illinois, Iowa, Maine, Minnesota, Nebraska, New Hampshire, Ohio, Pennsylvania, Virginia, Washington, and Wisconsin.

[9] Maryland, Massachusetts, Mississippi, Missouri, New Jersey, Oklahoma, Oregon, Porto Rico, Tennessee, Utah, Vermont, West Virginia.

[10] Arkansas, California, Delaware, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Porto Rico, Tennessee, Texas, Utah, Vermont, Washington, and Wisconsin.

[11] California, Idaho, Iowa, Louisiana, Mississippi, Montana, Pennsylvania, and Texas.

[12] Connecticut, Idaho, Ohio (in villages), and Washington.

[13] New Hampshire, New York, Ohio, Oregon, and Pennsylvania.

[14] Alabama, Colorado, Connecticut, Delaware, Kansas, Louisiana, Maine, Massachusetts, Mississippi, Nevada, New Hampshire, New Jersey, New Mexico, New York, Ohio, Rhode Island, South Carolina, and West Virginia.

books shall be to diseases with vastly different periods of infectivity and degrees of communicability. In some of these States, however, the laws specify the period of quarantine for some diseases,[1] or the State health authorities have expressed their criterion of what the quarantine requirements should be by means of advisory or educational circulars,[2] or issued regulations in regard to one or more diseases but not to all of them.[3] In three States[4] the laws, supplemented by regulations of the State health authorities, have prescribed the quarantine measures to be observed, while in the rest[5] these measures have practically in their entirety been determined by regulations of the State boards of health.

Three kinds of quarantine.—In the last 33 States referred to an effort more or less successful has been made to fix by provisions of State-wide application the kind of quarantine suitable to each disease, its duration, and the methods to be used in deciding its cessation. In all these States a more or less conscientious attempt has been made to classify the communicable diseases into three great groups: (1) Diseases requiring "absolute" quarantine, i. e., quarantine of the whole household; (2) diseases requiring only isolation of patients and exposed persons during period of incubation and exclusion from public places of children and often of other persons in the house; (3) diseases which are reportable, but for which no isolation is deemed necessary or practicable, although terminal disinfection and other precautions are sometimes required, including occasionally placarding.

Absolute quarantine not required.—It is noteworthy, as indicating the tendency of the times to reduce quarantine to a minimum, that in at least 14 States[6] absolute quarantine is not required for any of the communicable diseases. In a number of these States, however, quarantine of exposed as well as infected persons is required in case of the epidemic diseases, as follows: Cholera,[7] plague,[8] yellow fever,[9] typhus fever,[10] and smallpox,[11] while in the other 6 States[12] no mention is made in the regulations of the State board of health of the specific

[1] Delaware and Ohio.
[2] New York and Maryland.
[3] Louisiana, Maine, New Hampshire, and Maryland.
[4] California, Pennsylvania, and Texas.
[5] Arizona, Arkansas, District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, North Carolina, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, Wisconsin, Wyoming, Hawaii, and Porto Rico.
[6] Florida, Georgia, Idaho, Illinois, Kentucky, Maryland, Michigan, Minnesota, Missouri, Oregon, South Dakota, Utah, Wisconsin.
[7] Georgia, Idaho, Kentucky, Oregon, South Dakota, Utah, Wisconsin.
[8] Idaho, Oregon, Utah, Wisconsin.
[9] Idaho, Kentucky, South Dakota.
[10] Georgia, Idaho, Kentucky, South Dakota.
[11] Georgia, Idaho, Kentucky, Michigan, Oregon, South Dakota, Utah, Wisconsin.
[12] Florida, Illinois, Maryland, Michigan, Minnesota, Missouri.

provisions which must govern the quarantine of the 4 so-called major quarantinable diseases, cholera, plague, yellow fever, and typhus fever.

Enforcement of absolute quarantine.—"Absolute" quarantine is in most States limited to the four major quarantinable diseases mentioned, although in some States it is also prescribed for other diseases. The number of diseases for which it is required varies in different States, being one,[1] two,[2] three,[3] four,[4] five,[5] six,[6] seven,[7] and nine.[8]

It is required for cholera, plague, yellow fever, and typhus fever in 10 States,[9] for cholera, plague, and yellow fever in 1,[10] for cholera, yellow fever, and typhus fever in 1,[11] for cholera and plague in 2,[12] and for cholera in 1,[13] while in the case of the other diseases it must be enforced as follows: For leprosy in 5 States,[14] for smallpox in 15,[15] for scarlet fever and diphtheria in 10,[16] for cerebrospinal meningitis in 7,[17] for poliomyelitis in 5,[18] for measles in 2,[19] and for glanders in 1.[20] In 9 States,[21] the precautions deemed necessary for the major quarantinable diseases are not specified but probably absolute quarantine would also be enforced.

Breadwinners.—Exceptions to the enforcement of absolute quarantine must be mentioned as follows: In North Dakota, the regulations of the State board of health provide that quarantine will not be enforced if in the case of the diseases mentioned, smallpox, scarlet fever, and diphtheria, the patient is removed from the house or thoroughly isolated, and the other persons on the premises submit to disinfection.

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[1] Illinois, Tennessee, Virginia.
[2] Iowa.
[3] North Dakota.
[4] Arizona, Arkansas, North Carolina, Texas, Washington.
[5] Indiana.
[6] District of Columbia, Nebraska, Pennsylvania, Wyoming.
[7] California, Vermont.
[8] Oklahoma, Wisconsin.
[9] Arkansas, California, District of Columbia, Indiana, North Carolina, Pennsylvania, Texas, Washington, Wisconsin, Wyoming.
[10] Arizona.
[11] Vermont.
[12] Iowa, Oklahoma.
[13] Nebraska.
[14] Indiana, Iowa, Oklahoma, Pennsylvania, Wyoming.
[15] Arizona, California, District of Columbia, Illinois, Iowa (see Breadwinners), Nebraska, North Dakota (see Breadwinners), Oklahoma, Pennsylvania, Tennessee, Texas (see Breadwinners), Vermont, Virginia, Wisconsin, Wyoming.
[16] California, Iowa (see Breadwinners), Montana, Nebraska (see Breadwinners), North Dakota (see Breadwinners), Oklahoma, Pennsylvania (see Breadwinners), Texas (see Breadwinners), Vermont, Wisconsin.
[17] Iowa, Nebraska, Oklahoma, Pennsylvania (see Breadwinners), Texas (see Breadwinners), Vermont, Wisconsin.
[18] Iowa (see Breadwinners), Nebraska, Oklahoma, Vermont, Wisconsin.
[19] Montana (see Breadwinners), Oklahoma.
[20] District of Columbia.
[21] Florida, Illinois, Maryland, Michigan, Minnesota, Missouri, Montana, Tennessee, Virginia.

In Pennsylvania in case of scarlet fever, diphtheria, measles, rotheln, cerebrospinal meningitis, and chicken pox, and in Texas, in case of smallpox, scarlet fever, diphtheria, and cerebrospinal meningitis, other persons in the house may be exempted from quarantine by the health authorities; while in Nebraska, in case of diphtheria, in Montana, in case of measles, and in Iowa, in case of smallpox, scarlet fever, diphtheria, and poliomyelitis, breadwinners may be exempted from quarantine if certain precautions are taken to prevent the spread of the disease; while in Washington any adults living on quarantined premises may be released by the health officer after disinfection.

No quarantine for smallpox.—In a number of States,[1] among which Florida and Minnesota were first, the quarantine for smallpox has been abandoned by State boards of health, although it is left optional with local authorities to enforce it, the only measures prescribed being the placarding of houses, to warn people of the existence of the disease, the confinement of the patient to the premises, the recommendation of vaccination, and terminal disinfection.

Modified quarantine.—The second form of quarantine is enforced in three different degrees, namely, isolation of patient and exposed persons, isolation of patient and children in the house, and isolation of patient only.

Isolation of patient and exposed persons.—This form of quarantine is required as follows for cholera,[2] plague,[3] yellow fever,[4] typhus fever,[5] glanders and anthrax,[6] leprosy,[7] smallpox,[8] scarlet fever,[9] diphtheria,[10] measles,[11] chickenpox,[12] rotheln,[13] cerebrospinal meningitis,[14] and poliomyelitis.[15]

Breadwinners.—Exceptions in favor of breadwinners, if certain precautions are observed to prevent spread of disease, may be made by local health authorities as follows: In cases of scarlet fever,[16]

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[1] Florida, Idaho, Minnesota, Montana, North Carolina, Washington.

[2] Delaware, Georgia, Idaho, Illinois, Kentucky, Ohio, Oregon, South Dakota, Utah.

[3] Idaho, Oregon, Utah.

[4] Delaware, Idaho, Illinois, Kentucky, Ohio, South Dakota.

[5] Delaware, Georgia, Idaho, Illinois, Kentucky, Ohio, South Dakota.

[6] Illinois.

[7] Arkansas.

[8] Arkansas, Delaware, Georgia, Idaho, Indiana, Kentucky, Maine, Michigan, Ohio, Oregon, South Dakota, Utah.

[9] Arizona, Arkansas, Delaware, Florida, Idaho, Illinois, Indiana, Kentucky, Michigan, Minnesota, Ohio, Oregon, Washington, Wyoming. See exceptions made in favor of breadwinners in all these States except Kentucky.

[10] Arizona, Arkansas, Delaware. Florida, Georgia, Idaho, Indiana, Kentucky, Michigan, Minnesota, Ohio, Oregon, South Dakota, Washington, Wisconsin, Wyoming. See exceptions made in favor of breadwinners in eight of these States.

[11] Arizona, Arkansas, Florida, Kentucky. Optional with local health authorities in Idaho and Ohio. See exceptions in favor of breadwinners in Arizona and Florida.

[12] Arkansas, Idaho. Optional with local authorities in Ohio.

[13] Florida.

[14] Arkansas, South Dakota, Wyoming.

[15] Arkansas, California, North Dakota. South Dakota.

[16] Idaho, Wisconsin.

scarlet fever and diphtheria,[1] scarlet fever, diphtheria, and measles,[2] scarlet fever, diphtheria, measles, and rotheln,[3] scarlet fever, diphtheria, and cerebrospinal meningitis,[4] poliomyelitis,[5] and for all diseases subject to isolation.[6] In some of these States,[7] removal from the house is required, and in others the following of certain occupations bringing contact with children[8] or the handling of food[9] is forbidden.

Isolation of only patient and susceptible children in house.—This form of quarantine is required as follows: For chicken pox,[10] measles,[11] scarlet fever,[12] scarlet fever and diphtheria,[13] scarlet fever, diphtheria, and measles.[14] In addition removal of adults from premises is required in one State,[14] the restrictions on their following certain occupations being maintained in another.[15]

Isolation of patient only.—This form of quarantine is enforced as follows: For yellow fever,[16] leprosy,[17] glanders and anthrax,[18] smallpox,[19] chicken pox,[20] scarlet fever,[21] diphtheria,[21] measles,[22] rotheln,[23] cerebrospinal meningitis,[24] poliomyelitis,[25] whooping cough,[26] mumps,[27] typhoid fever,[28] erysipelas,[29] pneumonia,[30] hookworm disease,[18] acute malaria,[31] and relapsing fever, rabies, trachoma, tetanus, dysentery, pellagra, and puerperal fever.[32]

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[1] Indiana, Maryland, Michigan, Minnesota, Oregon.
[2] Arizona.
[3] Florida.
[4] Wyoming.
[5] North Dakota.
[6] Arkansas.
[7] Idaho, Indiana, Michigan, Oregon, Utah, Wisconsin.
[8] Arizona, Arkansas, Iowa, Minnesota, Montana, Nebraska, North Dakota, Pennsylvania, Virginia (with the public in general).
[9] Arizona, Pennsylvania, Virginia.
[10] Oregon.
[11] Minnesota.
[12] Georgia, South Dakota, Washington.
[13] Illinois, Virginia.
[14] Utah.
[15] Virginia.
[16] Georgia.
[17] Florida, Nebraska, Texas.
[18] Pennsylvania, Washington.
[19] Florida, Minnesota, Montana, North Carolina, Washington.
[20] Indiana, Vermont, Washington.
[21] District of Columbia, North Carolina, Tennessee.
[22] District of Columbia, Indiana, Michigan, North Carolina, North Dakota, Oregon, Utah, Vermont, Washington.
[23] Vermont, Washington.
[24] District of Columbia, Florida, Idaho, Indiana, Michigan, Minnesota, North Dakota, Oregon, Tennessee, Washington.
[25] District of Columbia, Idaho, Indiana, Minnesota, North Dakota, Oregon, Pennsylvania, Washington.
[26] Indiana, North Carolina, North Dakota, Pennsylvania, Utah, Vermont, Washington.
[27] Utah, Vermont.
[28] District of Columbia, Michigan, Pennsylvania, Washington.
[29] Minnesota, Pennsylvania.
[30] Michigan, Pennsylvania.
[31] Washington.
[32] Pennsylvania.

In addition to the isolation of the patient, in various States[1] children in the house are forbidden to mingle with the general public, and in some States[2] this precaution is required even in the case of adults.

Placarding and reporting only.—These two measures only are, for certain diseases, enforced as follows: Leprosy,[3] chicken pox,[4] measles,[5] rotheln,[6] whooping cough,[7] mumps,[8] typhoid fever,[9] malaria,[10] although in the case of typhoid fever the observance of certain precautions in the sickroom is required.[11]

Reports only.—In the case of the other diseases not classified above, reports only are required, although the enforcement of certain prophylactic measures in the patient's room is required in various States in cases of typhoid fever,[12] pneumonia,[13] and poliomyelitis,[14] while in the case of whooping cough children are allowed to go out only when accompanied by attendants,[15] and in case of chicken pox they are merely forbidden to leave the house.[15]

The restrictions imposed on school attendance are reviewed elsewhere.[16]

Duration of quarantine.—In no particular is the wide dissimilarity prevailing in existing quarantine practice so much in evidence as in the regulations establishing the duration of the period of quarantine for the various diseases.

Cholera.—The period of quarantine of patients in certain States is fixed as follows: 7 days from date of disinfection;[17] 21 days;[18] until release by the State board of health;[19] and until recovery and disinfection.[20]

The quarantine of exposed persons is as follows: 5 days from last exposure,[21] and 14 days after death of patient.[22]

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[1] Illinois, Oregon, Utah.
[2] Oregon, Vermont (if they have not had the disease), Wisconsin.
[3] Arizona.
[4] Arizona, Nebraska Oklahoma, Wyoming.
[5] Kansas, Nebraska, South Dakota, Virginia, Wisconsin.
[6] Arizona, Wisconsin.
[7] Arizona, Nebraska, Oklahoma, Wisconsin, Wyoming.
[8] Arizona, Oklahoma, Wyoming.
[9] Arizona, Vermont, Wisconsin.
[10] Pennsylvania.
[11] Vermont.
[12] Illinois, Maryland, Montana, North Dakota, Oklahoma, Oregon, Tennessee, Texas, Utah, Virginia, Wyoming.
[13] Michigan, Oregon, Utah.
[14] Utah.
[15] District of Columbia.
[16] See p. 128.
[17] Delaware, Idaho, Ohio.
[18] Nebraska, Oklahoma.
[19] Arizona, California, North Carolina, Pennsylvania, Texas, Washington.
[20] District of Columbia, Georgia, Iowa, Oregon, Utah, Wisconsin.
[21] District of Columbia, Delaware, Georgia, Idaho, Kentucky, Oregon, South Dakota, Utah, Wisconsin.
[22] Iowa.

Plague.—Quarantine of patients is specified as follows: Until release by State board of health;[1] until recovery and disinfection;[2] 14 days from date of disinfection.[3]

Quarantine of exposed persons: 8 days from date of last exposure;[4] 14 days from date of disinfection.[5]

Yellow fever.—Quarantine of patients is prescribed as follows: 5 days from date of disinfection;[3] 7 days from date of disinfection;[6] until release by State health authorities;[6] until recovery and disinfection.[7]

Quarantine of exposed persons: 5 days from last exposure;[8] 6½ days.[9]

Typhus fever.—Quarantine of patients is as follows: 21 days from day of disinfection;[10] until release by State health authorities;[11] until recovery and disinfection.[12]

Quarantine of exposed persons: 21 days from last exposure.[13]

Smallpox.—Quarantine of patients is prescribed as follows: 16 days from date of disinfection;[3] 17 days from date of disinfection;[14] 21 days;[15] 28 to 40 days;[16] 30 days;[17] 40 days;[18] until desquamation is complete and disinfection of premises;[19] until there is no danger of contagion;[20] until released by authorized agent of the State board of health.[21]

Quarantine of exposed persons, unless vaccinated, 14 days from date of last exposure;[22] 16 days from date of last exposure;[23] 17 days

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[1] Arizona, California, North Carolina, Pennsylvania, Washington.
[2] Idaho, Iowa, Oregon, Utah, Wisconsin.
[3] District of Columbia.
[4] Idaho, Oregon, Utah, Wisconsin.
[5] Delaware, Idaho, Ohio.
[6] Arizona, California, North Carolina, Pennsylvania, Texas, Washington.
[7] Georgia, South Dakota, Wisconsin.
[8] Delaware, District of Columbia, Georgia, Idaho, Kentucky, Ohio, South Dakota, Wisconsin.
[9] Louisiana.
[10] Delaware, District of Columbia, Idaho, Ohio.
[11] California, North Carolina, Pennsylvania, Texas, Washington.
[12] Georgia, Oregon, South Dakota, Wisconsin.
[13] Delaware, District of Columbia, Idaho, Kentucky, Ohio, South Dakota, Wisconsin.
[14] Delaware, Ohio.
[15] Indiana (at least), New York (or until skin is clear), North Dakota (at least; 5 days after scabs fall off), Utah (at least).
[16] Missouri (or until scabs disappear).
[17] Oklahoma, Pennsylvania (at least), Tennessee (at least).
[18] Nebraska.
[19] California (until all signs of disease disappear), Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Michigan, Missouri, New York, Oregon, South Dakota, Washington, Wisconsin, Wyoming.
[20] Rhode Island, South Carolina, Texas, Virginia.
[21] Arizona.
[22] Arkansas, Indiana (if recently vaccinated or having had the disease; persons submitting to vaccinations if this is successful, may be released from quarantine after disinfection), Iowa (if vaccinated within 3 years they may be released from quarantine after disinfection), Kentucky (in cases removed from public conveyances, otherwise 20 days), North Dakota, Oregon, South Dakota, Utah, Wisconsin.
[23] Georgia, Maine (only under observation; if successfully vaccinated they may be discharged from further surveillance), Michigan, Washington (if promptly vaccinated, observation to be substituted).

from last exposure;[1] 18 days from last exposure;[2] 20 days from last exposure;[3] 21 days from last exposure;[4] during period of incubation.[4]

Scarlet fever.—Quarantine of patient is specified as follows: Until desquamation is complete;[5] until desquamation is complete and other symptoms have disappeared;[6] until desquamation is complete and nose and throat are clear;[7] until desquamation is complete and eyes and air passages are normal;[8] until desquamation is complet and discharges have ceased;[9] until mucous membranes are clear;[10] until recovery or death;[11] until danger of infection has ceased;[12] 5 days after complete desquamation;[13] 10 days after complete desquamation;[14] 10 days after date of disinfection;[15] 21 days at least;[16] 28 days from date of onset;[17] 30 days at least;[18] 21 to 35 days;[19] 35 days;[20] 42 days;[21] 49 days.[22]

Quarantine of exposed persons: During period of isolation of patient;[23] 7 days from last exposure;[24] 10 days from last exposure;[25] 10 days from release of quarantine;[26] 14 days from date of exposure;[27] 21 days;[28] 28 days.[29]

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[1] Delaware, Idaho, Nebraska (if vaccinated at once, observation to be substituted), Ohio.

[2] Pennsylvania (in addition to minimum quarantine period and such time as may be necessary for recovery, should they contract the disease; only observation if submitting to vaccination and disinfection), Wyoming (only 10 days if vaccinated; health officer may, at his discretion, parole persons with patient prior to appearance of eruption).

[3] Illinois (12 days, if vaccinated; if not residing in infected house and vaccinated within 48 hours to be kept under observation only), Kentucky (14 days, if removed from public conveyance).

[4] California (if vaccinated immediately, observation to be substituted), Virginia (if immediately vaccinated until vaccination develops; persons exposed to smallpox are forbidden to travel within the State for a period of 15 days from the last exposure unless a physician certifies that no danger of communicating the disease exists).

[5] Illinois (at least 35 days), Iowa, Missouri (or 42 days), Montana, Vermont, Wisconsin, Wyoming (at least 30 days).

[6] Arkansas, California (at least 21 days), Virginia (at least 21 days), Washington (at least 42 days).

[7] Minnesota.

[8] Michigan.

[9] Pennsylvania (at least 30 days).

[10] New York.

[11] District of Columbia.

[12] Colorado, Connecticut, Florida, Kansas, Kentucky, Maine, Porto Rico, South Carolina.

[13] North Dakota (not less than 30 days).

[14] Georgia, Idaho, Oregon, South Dakota.

[15] Delaware, Ohio.

[16] California, Indiana, Minnesota, Virginia.

[17] Maryland.

[18] Arizona, North Dakota, Pennsylvania (physician must certify in writing that desquamation has ceased and nasal irritation and ear discharges have disappeared), Texas, Utah (in addition isolation for 10 days longer), Wyoming.

[19] Nebraska.

[20] Illinois, Oklahoma.

[21] Massachusetts, Missouri, Tennessee, Washington.

[22] North Carolina (or until attending physician certifies that there is no danger of contagion).

[23] California, Illinois, Indiana, Iowa (in case of death, quarantine prolonged for 10 days), Montana, Nebraska, New York, Pennsylvania, Virginia, Wyoming.

[24] North Carolina (unless they change residence); North Dakota (at least).

[25] Washington.

[26] Delaware, Georgia, Idaho, Ohio, Oregon, South Dakota, Utah, Wisconsin.

[27] Massachusetts.

[28] Indiana, Minnesota (from appearance of last case).

[29] Maryland (if removing to another house 8 days from date of exposure), Michigan.

Diphtheria.—Quarantine of patient is specified as follows: Until two negative cultures are obtained;[1] until one negative culture is obtained;[2] 42 days from beginning of disease;[3] 35 days;[4] 30 days;[5] 28 days;[6] 21 days after disappearance of signs of disease;[7] 21 days;[8] 14 days from date of recovery;[9] 14 days;[10] 10 days after recovery;[11] until recovery or death;[12] until there is no danger of contagion.[13]

Quarantine of exposed persons: Until death or recovery of patient and disinfection of premises;[14] 4 days from date of last exposure;[15] 7 days from date of last exposure;[16] 10 days from last exposure;[17] 14 days from last exposure.[18]

Measles.—Period of quarantine is prescribed as follows: 27 days;[19] 21 days;[20] 14 days at least;[21] 14 days from disappearance of rash;[22] 10

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[1] Arkansas (taken 48 hours apart, otherwise 14 days after disappearance of clinical signs), California (from throat, taken 24 hours apart at least; otherwise 21 days after recovery), Indiana (from nose and throat, number not specified), Iowa (from nose and throat, taken 24 hours apart, 5 days after disappearance of signs of disease; otherwise 28 days if antitoxin is used within 24 hours after appearance of initial symptoms), Massachusetts (from nose and throat), Michigan (from throat, taken 2 or 3 days apart; air passages must be healed; otherwise 14 days after complete recovery), Minnesota (from nose and throat, taken 24 hours apart; otherwise 21 days after disappearance of symptoms; quarantine never to last longer than 42 days), Montana (from nose and throat, number not specified), New York (from throat, taken 3 days apart; at least 21 days), North Carolina (from throat, taken on 2 successive days; otherwise 28 days), Pennsylvania (from diseased area, taken on 2 successive days; otherwise 21 days, 14 only if antitoxin is used), South Dakota (from nose and throat, taken 24 hours apart), Tennessee (from diseased area, taken on successive days, 14 days' quarantine in these cases; otherwise 21 days), Texas (same as Tennessee), Wisconsin (from throat, taken 3 days apart), Wyoming (same as Tennessee).

[2] Florida (if clinical symptoms have disappeared), Maryland (from infected area, taken not earlier than 7 days after apparent recovery), Mississippi (from throat), Missouri (from throat; otherwise 28 days), North Dakota (from throat), Virginia (from throat; otherwise 21 days).

[3] Washington (at least; unless cultures are obtained).

[4] Nebraska, Oklahoma.

[5] North Dakota (unless cultures are obtained).

[6] Iowa (culture method preferred), Missouri (same as Iowa), North Carolina (unless cultures are obtained).

[7] (Unless cultures are obtained) California, Minnesota.

[8] Georgia, Montana (at least), New York (at least), Pennsylvania (unless cultures are taken or antitoxin used), and unless cultures are taken in Tennessee, Texas, Virginia, and Wyoming.

[9] Delaware, Ohio, South Dakota.

[10] Arizona, Idaho, Michigan (unless cultures are taken), Oregon, Pennsylvania (if antitoxin is used), Tennessee (if negative cultures are obtained), Texas (same as Tennessee), Utah (at least), Wisconsin (isolation to last until negative cultures are obtained), Wyoming (same as Tennessee).

[11] Kentucky.

[12] District of Columbia.

[13] Colorado, Connecticut, Illinois, Kansas, Maine, Porto Rico, South Carolina.

[14] Georgia (adults; children 7 days longer), Indiana (if immunized with antitoxin they may be released immediately), Iowa (in case of death, if there are children in the house, quarantine must be prolonged for 10 days unless antitoxin has been used or negative cultures are obtained), Montana, Nebraska, Oregon (same as Indiana), Pennsylvania, South Dakota, Utah (if death occurs, 7 days longer), Virginia, Wisconsin, Wyoming.

[15] North Dakota (at least; unless negative cultures are obtained).

[16] Arkansas (if negative cultures are obtained and antitoxin administered, 3 days), Minnesota (unless negative cultures are obtained), North Carolina.

[17] Washington.

[18] Idaho, Michigan.

[19] North Carolina (may be reduced by local health authorities; exposed persons, 14 days from date of exposure).

[20] Missouri, Pennsylvania (until physician certifies in writing that patient is well and nasal irritation and ear discharges have ceased), Vermont (or until all complications are over).

[21] Indiana (until desquamation has ceased), New Hampshire, North Dakota, Oregon (same as Indiana), Utah (same as Indiana).

[22] Maryland.

days after appearance of last case in the house;[1] 10 days;[2] until recovery;[3] until desquamation is complete;[4] until skin and mucous surface are clear;[5] 10 days after desquamation is complete;[6] until catarrhal symptoms have disappeared.[7]

Cerebrospinal meningitis.—Period of quarantine or isolation is specified as follows: Until recovery or death;[8] 14 days at least;[9] 21 to 28 days.[10]

Poliomyelitis.—Period of quarantine or isolation is prescribed as follows: 14 days;[11] 14 days after patient's temperature becomes normal or until death occurs;[12] 2 or 3 weeks;[13] 21 days;[14] 21 to 28 days;[15] 28 days;[16] 30 days;[17] 42 days.[18]

PLACARDING.

With only 9 exceptions,[19] placarding of infected premises is required in all the States by either law or regulation of the State board of health.

While the diseases which are to be placarded are specifically mentioned, in some States, in addition to the diseases listed below, rovision is made for the placarding of any disease which may be declared quarantinable,[17] communicable diseases dangerous to the public health,[20] dangerous contagious or infectious diseases,[21] any disease dangerous to the public health,[22] communicable diseases,[23] malignant pestilential diseases,[13] contagious diseases,[24] or contagious or infectious

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[1] Florida, Minnesota.
[2] Ohio (counting from date of disinfection; optional with local health authorities).
[3] District of Columbia, Tennessee.
[4] Montana.
[5] New York (usually 21 days).
[6] Idaho (optional with local health authorities).
[7] Arkansas.
[8] District of Columbia, Indiana (14 days at least), Iowa (in case of death, if there are children on the premises, 10 days longer), Kansas, Pennsylvania (as certified by physician), Oregon (same as Indiana), Tennessee, Texas (as determined by negative cultures from nose and throat, taken 10 days after subsidence acute symptoms), Utah (same as Indiana), Washington (14 days at least), Wyoming (in case of death or removal of patient, 7 days longer for contacts).
[9] Arkansas, Indiana, Minnesota, New York, North Dakota, Oregon, Utah, Washington, Wisconsin.
[10] Nebraska.
[11] Minnesota (children and persons who associate with children kept under observation for 21 days from last exposure), North Dakota.
[12] Arkansas, District of Columbia.
[13] New Hampshire.
[14] Idaho, Iowa, Oregon (at least), Washington (at least), Wisconsin (at least).
[15] Nebraska, New York (suggested).
[16] Indiana (exposed persons at discretion of local health officer).
[17] California.
[18] Massachusetts.
[19] Alabama, Maryland, Mississippi, Nevada, New Jersey, New York West Virginia, and Hawaii and Porto Rico.
[20] Colorado.
[21] Idaho.
[22] Kansas, New Mexico.
[23] Kentucky (according to regulations, State board of health.
[24] South Carolina.

diseases.[1] In one State,[2] no diseases are mentioned, it being merely mentioned as one of the duties of local health authorities to placard "infected places."

Diseases to be placarded.—The diseases, cases of which must be placarded, are the following: Cholera by law in 9 States[3] and the District of Columbia and by regulation in 14 States;[4] plague by law in 8 States[5] and the District of Columbia and by regulation in 10 States;[6] yellow fever by law in 9 States[7] and the District of Columbia and by regulation in 11 States;[8] typhus fever by law in 8 States[9] and the District of Columbia and by regulation in 11 States;[10] dengue by law in one State;[11] actinomycosis, tetanus, and trichinosis by regulation in 1 State;[12] relapsing fever, malaria, and erysipelas by law in 1 State;[13] anthrax by law in 1 State[13] and by regulation in 2 States;[14] glanders by law in 1 State[13] and the District of Columbia and by regulation in 2 States;[14] leprosy by law in 2 States[15] and the District of Columbia and by regulation in 9 States;[16] smallpox by law in 15 States[17] and the District of Columbia and by regulation in 24 States;[18] scarlet fever by law in 12 States[19] and the District of Columbia and by regulation in 26 States;[20] diphtheria by law in 12 States[19] and the District of Columbia and by regulation in 26 States;[20] measles by law in 1 State[13] and optional in 2 others[21] and by regulation in 20 States;[22] rotheln

[1] South Dakota (in regulations, State board of health.)

[2] Maine.

[3] California, Delaware, Idaho, Kansas, Ohio, Oregon, Pennsylvania, Tennessee, Texas.

[4] Arizona, Arkansas, Illinois, Indiana, Iowa Massachusetts, Nebraska, North Carolina, Oklahoma, South Dakota, Utah, Vermont, Washington, Wisconsin.

[5] California, Delaware, Idaho, Ohio, Oregon, Pennsylvania Tennessee, Texas.

[6] Arizona, Arkansas, Illinois, Indiana, Iowa, North Carolina, Oklahoma, Utah, Washington, Wisconsin.

[7] California, Delaware, Idaho Louisiana, Ohio, Oregon, Pennsylvania, Tennessee, Texas.

[8] Arizona, Arkansas, Georgia, Illinois, Indiana, Massachusetts, Nebraska, North Carolina, Vermont, Washington, Wisconsin.

[9] California, Delaware, Idaho, Ohio, Oregon, Pennsylvania, Tennessee, Texas.

[10] Arizona, Arkansas, Connecticut, Georgia, Indiana, Massachusetts, Nebraska, North Carolina, Vermont, Washington, Wisconsin.

[11] Texas.

[12] Massachusetts.

[13] Pennsylvania.

[14] Illinois, Massachusetts.

[15] Pennsylvania, Texas.

[16] Arizona, Arkansas, Illinois, Indiana, Iowa, Massachusetts, Nebraska, Oklahoma Washington.

[17] California, Delaware, Idaho, Kansas, Louisiana, Michigan, New Hampshire, New Mexico, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas.

[18] Arizona, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Massachusetts, Minnesota, Missouri, Montana, Nebraska, North Carolina, North Dakota, Oklahoma, South Dakota, Utah, Vermont, Virginia, Washington, Wisconsin, Wyoming.

[19] California, Colorado, Delaware, Idaho, Kansas, New Hampshire, Oregon, Pennsylvania, South Carolina, Tennessee, Texas.

[20] Arizona, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, North Carolina, North Dakota, Oklahoma, South Dakota, Utah, Vermont, Virginia, Washington Wisconsin, Wyoming.

[21] Idaho, Ohio.

[22] Arizona, Arkansas, Connecticut, Florida, Indiana, Kansas, Kentucky, Massachusetts, Minnesota, Missouri, Montana Nebraska, North Carolina, Oklahoma, Oregon, South Dakota, Utah, Vermont, Wisconsin, Wyoming.

by law in 1 State[1] and by regulation in 3 others;[2] cerebrospinal meningitis by law in 2 States[3] and by regulation in 14;[4] poliomyelitis by regulation in 11 States;[5] chicken pox by law in 1 State[1] and by regulation in 11 States;[6] mumps by law in 1 State[1] and by regulation in 5 States;[7] whooping cough by law in 1 State[1] and optional in 2 others[8] and by regulation in 14;[9] and typhoid fever by law in 1 State[1] and by regulation in 5 States.[10]

Description of placard.—While in various States, the form which placards must assume has not been prescribed by either State law or regulation, in most States, the appearance, size, wording, and even color must conform to certain requirements.

In the majority of States,[11] the placarding of infected premises must be done by means of cards; in one[12] by means of flags; in others[13] by means of flags or other means; in a few,[14] by means of cards or flags or cards or cloths;[15] by signs or cards in two States;[16] by signs in one State;[17] by "notices" in another;[18] by "such means as shall be most effectual" in another[19] by signs of cardboard, tin, wood, or other suitable material in another;[20] no details being specified in the other States.[21]

The name of the disease must be given in most States;[22] in others[23] either the name of the disease or the words "contagious disease within" must appear on the placard; and in one State[24] merely the

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[1] Pennsylvania.

[2] Arizona, Vermont, Wisconsin.

[3] Kansas, Pennsylvania.

[4] Arkansas, Florida, Idaho, Indiana Iowa, Massachusetts, Missouri, Montana, Nebraska, North Dakota, Oklahoma, Utah, Vermont, Wyoming.

[5] Arkansas, California, Idaho, Indiana, Iowa, Massachusetts, Missouri, Montana, Nebraska North Dakota, Oklahoma.

[6] Arizona, Arkansas, Indiana, Kansas, Massachusetts, Nebraska, Oklahoma, Utah, Vermont, Washington (if in adults), Wyoming.

[7] Arizona, Oklahoma, Utah, Vermont, Wyoming.

[8] Idaho, Ohio.

[9] Arizona, Connecticut, Indiana, Kansas, Massachusetts, Missouri, Montana, Nebraska, North Carolina, Oklahoma, Utah, Vermont, Wisconsin, Wyoming.

[10] Arizona, Connecticut, Massachusetts, Oregon, Vermont.

[11] Arizona, Connecticut, Delaware, District of Columbia, Idaho, Indiana, Iowa, Minnesota, Missouri, Montana, New Hampshire, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Tennessee, Virginia, Washington, Wyoming.

[12] Rhode Island.

[13] Maine, Massachusetts.

[14] California, Georgia, Kentucky, Maine, South Dakota, Texas, Utah.

[15] Kansas, Nebraska.

[16] Florida, Oklahoma.

[17] South Carolina.

[18] Vermont.

[19] New Mexico.

[20] Louisiana.

[21] Colorado, Michigan.

[22] Arizona, Arkansas, California, Connecticut, Delaware, District of Columbia, Idaho, Indiana, Iowa, Louisiana, Minnesota, Missouri, Montana, New Hampshire, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Tennessee, Utah, Vermont, Virginia, Washington, Wisconsin, Wyoming.

[23] Georgia, Wisconsin.

[24] Texas.

words "contagious disease" and the quarantine regulations. In addition to the name of the disease, the word "quarantine" must be inserted in various States;[1] in others[2] the word "quarantine" and a warning; in others[3] a notice of warning; and in the District of Columbia a brief statement of the quarantine law.

Placards are required to be yellow in 2 States,[4] red in 2,[5] white in one,[6] red or yellow in another,[7] yellow for smallpox and red for scarlet fever and diphtheria in another State;[8] yellow for smallpox, red for scarlet fever, green for diphtheria, and white for other diseases in another State;[9] and yellow for smallpox, red for scarlet fever, and blue for diphtheria in others.[10]

The size of placards is required to be not less than 12 inches square in 4 States,[11] 18 inches square in another,[12] 8 by 10 inches in another,[13] 8 by 12 inches in another,[14] and 6 by 10 inches in another.[15] In one State[16] 2 different sizes are provided, one 5 by 8 inches for leprosy and typhoid fever and the other 6 by 9½ inches for other placardable diseases. In various States[17] it is required that the name of the disease shall appear in large letters, while in others the size of these letters is prescribed as follows: 1 inch,[18] 2 inches,[19] 2½ inches,[20] 4 inches,[13] 6 inches.[21]

Removal of placards.—In most States it is provided that the placards can not be removed until after completion of disinfection and release of quarantine, in various States[22] it being expressly stated that the permission of the local health authorities is necessary. Special penalties for the removal or destruction of placards are provided in the laws of most States.[23]

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[1] Montana, Utah, Wisconsin.
[2] Iowa, Nebraska, Wisconsin.
[3] Arizona, Arkansas, Indiana, Minnesota, Missouri, Pennsylvania, Washington.
[4] Iowa, Texas.
[5] Maine (if flags), Massachusetts.
[6] Rhode Island.
[7] Kansas.
[8] Kentucky.
[9] Oregon.
[10] Arkansas. Louisiana.
[11] Iowa, Kansas, Kentucky.
[12] Nebraska.
[13] Louisiana.
[14] Texas.
[15] Arkansas,
[16] Arizona.
[17] Arkansas, Delaware, District of Columbia, Georgia, Idaho, Kansas, North Dakota, Ohio, Oregon, Pennsylvania, Tennessee.
[18] Arizona (¾ inch for typhoid fever and leprosy).
[19] Indiana, Missouri, Montana, Washington, Wisconsin.
[20] California.
[21] Rhode Island.
[22] Arizona, Arkansas, California, Kansas, North Carolina, Pennsylvania, Texas, Vermont, Washington.
[23] Delaware, District of Columbia, Hawaii, Idaho, Louisiana, Maine, New Hampshire, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, Vermont, Wisconsin.

LITERATURE.

In Public Health Bulletin No. 54[1] reference was made to the distribution of educational literature by health authorities. In a number of States[2] it is especially provided that the official establishing quarantine must furnish the quarantined persons with copies of the regulations governing it, in others the placard is to contain the quarantine regulations[3] or the local health authorities are required, in cases of smallpox, scarlet fever, diphtheria, typhoid fever, or tuberculosis, to send to the attending physician or to the patient, with the physician's approval, literature relative to the prevention and control of the disease.[4] The rules of some State boards of health require the sending of explicit quarantine notices to quarantined households,[5] direct local health officers to keep on hand for distribution to attending physicians, patients' parents, and school-teachers literature in regard to tuberculosis, smallpox, diphtheria, scarlet fever, measles, typhoid fever, hookworm disease, venereal diseases, and rabies,[6] or recommend that the circulars issued by the State health authorities on the prophylaxis of various diseases be obtained by local health officers for popular distribution.[7]

CONFERENCES.

In order to obtain uniformity of action and coordination of efforts in various States the State board of health is empowered to call public conferences of local health officers whenever necessary,[8] or local health officers are required to attend, when requested by the State board of health, meetings having for their object the adoption of measures for the prevention of communicable diseases.[9] In one of these States,[10] it is provided, however, that such conferences can be called only when communicable diseases are actually prevalent in the community of the health officer called to the meeting. In other States the State health authorities are likewise directed to hold annual[11] conferences for the consideration of questions relative to the prevention of disease, or merely empowered to hold such conferences either annually[12] or biennially;[10] while in other States the laws require the State board of health to hold an annual school for the instruction of health officers in the prevention of communicable diseases,[13] or authorize the board to conduct a school of this character at such times and places as it may direct.[5] It is provided in various of these

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[1] P. 39.
[2] Iowa, Oklahoma, Tennessee.
[3] District of Columbia, Pennsylvania.
[4] Texas.
[5] Vermont.
[6] Florida.
[7] Illinois, New York, Pennsylvania.
[8] Idaho, Maryland.
[9] Indiana, New Hampshire, Wisconsin.
[10] Wisconsin.
[11] Arkansas, New York, Texas, Utah.
[12] New Jersey, Ohio.
[13] Kentucky, West Virginia.

States,[1] that the expenses of the local health officers in attending the conferences shall be paid out of the local public funds; and in others,[2] that the expense incurred may or may not be paid at the discretion of the local authorities.

In Michigan the State board may spend part of its appropriation in holding conferences with local health officers.

In New York and Wisconsin, in addition to the State conferences, the district sanitary supervisors are authorized to call conferences of the health officers in their districts.

GUARDS.

In a number of States, specific provision is made in law for the vigilance of infected premises. In one State,[3] it is provided that in case of "smallpox or other contagious or infectious distemper" town councils shall immediately set a proper guard to prevent the spread of the disease. In another State,[4] the regulations of the State board of health require in case of cholera, plague, yellow fever, and typhus fever that a guard be stationed to watch the premises, and in another,[5] that quarantined patients shall be visited at least once a day by a sanitary police officer.

In the other States, the appointment of quarantine guards is merely optional with State or local health authorities. Power is conveyed in various laws for the employment by local health authorities of quarantine guards,[6] sanitary officers,[7] or of such persons as may be necessary to enforce the sanitary laws.[8] Quarantine officers may be appointed by the county commissioners in one State,[9] and police officers by county health officers in another;[10] while in another State,[11] the necessary employees to enforce the measures adopted may be appointed by the local health officer with the approval of the county board of health if the expenditure has been authorized by the proper fiscal officials. The power to employ the necessary assistants is naturally inherent in the duty and authority to establish quarantine by both State and local authorities, the power of State health authorities to appoint sanitary officers to enforce its regulations when engaged in the suppression of local epidemics being specifically stated in the laws of many States.[12] In some States,[13] the

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[1] Indiana, New Jersey, New York, Ohio, Utah, Vermont (by the State), West Virginia, Wisconsin.
[2] Arkansas, Texas.
[3] Rhode Island.
[4] Washington.
[5] Iowa.
[6] Delaware, District of Columbia, Iowa, North Dakota, Ohio, Oregon, Pennsylvania, Tennessee, West Virginia, Wisconsin.
[7] South Carolina.
[8] Arizona, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, North Dakota, Wisconsin.
[9] Nevada.
[10] Wyoming.
[11] Alabama.
[12] Delaware, Georgia, Maine, Minnesota, New Hampshire, Ohio, Washington, Wisconsin.
[13] Florida, Mississippi, Oklahoma.

Governor is authorized to furnish armed forces from the State militia to enforce quarantine, and mention has been made elsewhere[1] of the duty imposed upon peace officers to enforce the quarantine regulations of State health authorities. Similar provisions are contained in laws in respect to enforcement of regulations or measures prescribed by local health authorities, either when requested by the latter,[2] or enjoined by justices of the peace.[3]

ASSISTANCE TO QUARANTINED PERSONS.

In many States[4] the laws require in more or less obvious language that, whenever necessary, persons placed in quarantine shall be furnished with medical attendance, nurses, food, and other necessaries of life. This is to be done by the local board of health,[5] the local health officer,[6] the county health officer,[7] the county commissioners,[8] the county or city authorities,[9] the mayor of the city or township clerk,[10] or the poor district authorities.[11] A recent New York law authorizes local health officers to employ any number of public health nurses they may deem necessary "within the limits of the appropriation made therefor," the State health commissioner being also authorized to employ nurses who may be assigned by him to work in any part of the State. In Wisconsin a recent act also authorizes city councils and county authorities to employ obstetrical and visiting nurses.

In one State[12] the local health authorities are required to appoint suitable persons to do the necessary outside services for quarantined patients, and in another[13] the county authorities are empowered to pay at their discretion for medicines, drugs, and medical services for the suppression of disease. In various States[14] one of the duties of the county physician is to attend indigent patients. In some of the States mentioned above[15] the laws declare that the acceptance of assistance from the health authorities by a quarantined person can not be construed to consider him a "pauper."

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[1] See p. 62.

[2] Indiana, Iowa, Maine, Missouri, Montana, New Jersey, New York, Oklahoma, Oregon, Utah, Vermont.

[3] Colorado, Connecticut, Delaware, Michigan, Oregon, Virginia, etc.

[4] Arizona, Colorado, Delaware, Florida, Georgia, Hawaii, Idaho, Indiana, Iowa, Maine, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Tennessee, Vermont, Wisconsin, Wyoming.

[5] Arizona, Delaware, Idaho, Indiana, Maine, Massachusetts, Minnesota, Montana, New Hampshire, North Dakota, Ohio, Oregon, South Dakota, Tennessee, Vermont, Wisconsin.

[6] Colorado, Michigan, New Mexico.

[7] Wyoming.

[8] Nevada.

[9] Florida, Georgia.

[10] Iowa.

[11] Pennsylvania.

[12] California.

[13] Mississippi.

[14] Arkansas, Idaho, Utah.

[15] Maine, New Hampshire.

In some States [1] the State board of health is empowered to provide in their rules for the care of persons with communicable diseases, probably with a view to the observance of sanitary precautions. In various States it is provided, however, that the provisions of the law must not be construed to restrict the rights of citizens to choose their own method of treatment,[2] or employ a physician of their choice.[3] In Hawaii, the Territorial board of health, and in Porto Rico, the insular director of sanitation are to provide the necessary care and attendance; while in one State [4] the State health officer is to furnish persons quarantined by him with the necessary shelter and subsistence at the expense of the State. In another State [5] the State board of health must at all times keep in readiness one or more medical inspectors, nurses, medicines, clothing, etc., to repair to any locality that applies for assistance in an outbreak of disease. In New York the recent health law empowers the State commissioner of health to employ nurses, assigning them from time to time to assist local authorities in the control of infection.

Financial assistance.—Massachusetts has a unique law providing that if a wage earner is required in the interest of the public health to remain indoors, or his occupation is otherwise interfered with, he must be compensated to the extent of three-fourths of his regular wages, the daily amount not to exceed $2 for each working day.

Assistance to Indians.—In New York the law directs that in case of an epidemic among Indians, the local overseer of the poor shall furnish medical attendance and other necessaries to any indigent Indians, the cost to be paid by the State. In the same State regular inspections of the reservations are required to be made by the State health supervisors.

DISTRIBUTION OF BIOLOGICAL PRODUCTS.

Mention has been made in preceding pages [6] of the provisions governing the distribution by health authorities of such curative or prophylactic preparations as diphtheria antitoxin, antimeningococcic serum, and antityphoid vaccine. Provision is likewise made in some States for the free distribution of other biological products, such as tetanus antitoxin,[7] scarlet fever vaccine,[8] tuberculins,[9] and immunizing serums in general.[10] In one State [11] the State health authorities are provided with funds to investigate serum therapy, and in another [12] they are empowered to distribute at cost approved serums and lymphs, while in Porto Rico the inoculation of any prophylactic or therapeutic product may be made compulsory by the health authorities.

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[1] Florida, Louisiana, South Carolina, Virginia.
[2] Florida, Virginia.
[3] Arkansas, Iowa (or nurse), Wisconsin.
[4] Texas.
[5] Louisiana.
[6] See pp. 39, 40, 41, 43, 45.
[7] Connecticut, Kansas, Pennsylvania.
[8] Kansas.
[9] Pennsylvania.
[10] Massachusetts.
[11] New York.
[12] California.

In Kansas the State board of health has at its disposal a special fund of $1,000 and in Oklahoma one of $7,500 for the free distribution of biological products to indigent persons. In West Virginia the State board of health may require its secretary and local health officer to keep on hand a supply of preventive serums.

Control over biological products.—In one State[1] the permission of the State board of health is required for the introduction and in another[2] for the sale of biological products, while in another[3] the sale of any dangerous, impure, or inefficacious product may be interdicted by the State health authorities. In the other States, while no specific reference is made to the subject, the control of such products would be vested in the authorities having charge of the administration of the drug laws.[4]

ADMITTANCE TO QUARANTINED PREMISES.

The ingress and egress of persons naturally stops with the establishment of quarantine. The exceptions made in favor of breadwinners have been discussed in preceding pages. In a number of States, usually by regulations of the State board of health, it is directed that the only persons to be allowed free admittance to and exit from quarantined premises are the attending physician;[5] the attending physician and nurses;[6] attending physician and health officers;[7] attending physician and health officer and (in case of death) undertaker;[8] attending physician, health officer, and minister of the gospel;[9] attending physician, health officer, and nurses having permission of health officer;[10] attending physician and persons authorized by health officer;[11] attending physician, nurses, and persons authorized by the health officer;[12] attending physician and persons authorized by health officer who are needed for quarantine or care of patient;[13] attending physician, health officer, attendants, and (under direction of health officer) clergymen;[14] and persons authorized by health authorities.[15]

Precautions.—In many States physicians[16] and nurses or attendants[17] visiting infected premises are required to observe precautions

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[1] Louisiana.
[2] Connecticut.
[3] New Jersey.
[4] See p. 38, Public Health Bulletin No. 54.
[5] Oklahoma.
[6] Nebraska, Utah.
[7] California, Iowa, Texas.
[8] Montana.
[9] North Carolina.
[10] Wisconsin.
[11] South Carolina, Vermont, Washington.
[12] Arkansas, District of Columbia, Idaho.
[13] Virginia.
[14] North Dakota.
[15] Arizona, Delaware, Indiana, Minnesota, New Hampshire, Ohio Oregon, Tennessee.
[16] See p. 13.
[17] See p. 14.

to prevent the spread of disease. A similar requirement is usually made in the case of breadwinners authorized to leave the premises.[1] In various States in the case of nurses it is specifically provided that they must be isolated with the patient even if belonging to the family.[2] In other States it is provided that nurses before being released from quarantine must be examined by the health officer, take a bath, have their clothing disinfected,[3] or submit to the precautions deemed necessary by the health authorities.[4]

RELEASE FROM QUARANTINE.

In most States either the laws or the regulations adopted by the State board of health specifically state that the release of persons placed in quarantine can only be made by the health officials responsible for the maintenance of the quarantine;[5] by the health officer, and if there is none, by the attending physician;[6] after disinfection by or under the supervision of the health authorities;[7] or with the written permission of the latter.[8] In a few States it is, however, provided that the quarantine is to be released by the municipal authorities on the attending physician notifying them that the cause for quarantining has ceased;[9] on his certifying that danger of the contagiousness has passed;[10] or on his sending a certificate satisfactory to the health authorities that all danger of infection has passed and proper disinfection has been accomplished.[11]

REMOVAL OF PATIENTS.

In all the States patients may be quarantined at their residences. In a number of States [12] authority is conveyed for the removal to a separate house or hospital should this action be deemed necessary. In most States the power of health authorities to make these removals is, however, limited by certain conditions. It is usually provided that patients will be removed only when there is no danger to their health.[13] In some States it is provided that the patients will be

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[1] See p. 65, 66.
[2] Florida, Nebraska, North Carolina.
[3] Minnesota.
[4] Maine.
[5] Arkansas, Connecticut, Illinois, Montana, Nebraska, North Dakota, Rhode Island, Utah, Wyoming.
[6] Georgia.
[7] California, Indiana, Kansas, Minnesota. Pennsylvania, Texas, Vermont, Washington.
[8] Delaware District of Columbia, Idaho, Maine, New Hampshire, Ohio, Oklahoma, Oregon, Tennessee.
[9] Iowa.
[10] South Carolina.
[11] Kentucky, South Dakota.
[12] Alabama, Arizona, Colorado, Delaware, District of Columbia, Georgia, Hawaii, Idaho, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota (regulations, State board of health), Montana, New Hampshire, New Jersey, North Dakota, Ohio, Oregon, Porto Rico, Rhode Island, South Dakota, Virginia, Washington, Wisconsin.
[13] Arizona, Colorado, District of Columbia, Maine, Michigan, New Hampshire, North Dakota, Rhode Island (apparently), South Dakota, Virginia, Wisconsin.

removed only to quarantine hospitals.[1] In other States they may be removed only when a suitable hospital or place is provided, and when patient is not properly lodged or lodged on board a vessel or in a room occupied by more than one family;[2] when cases can not be properly isolated at home;[3] when not living in their own residence;[4] when they are to be treated at public charge or are residing in a tenement house, lodging house, boarding house, hotel, apartment house, or other premises occupied by more than two families where proper isolation is impracticable;[5] when residing in a tenement, apartment or boarding house, boarding school, hotel, or building of like character;[6] when residing in hotel, lodging house, boarding house, tenement house, hotel, or public place;[7] when they can not be properly isolated or cared for elsewhere;[8] when they refuse to provide guards and other necessaries at their own expense;[9] and on complaint.[10] In one State[11] health authorities are given control over persistently dangerous and careless patients who are disease carriers or afflicted with any infectious, contagious, or communicable disease, and on complaint to a magistrate, with proof of the danger to the community, the patient may be committed to a hospital or institution. In one State[12] the provisions are somewhat indefinite, it being apparently intended to authorize the removal of persons in the neighborhood in cases when the patient can not be removed. Removal of neighbors is also authorized in other States.[13]

The authority charged with the duty of making these removals, when necessary, is vested in various States on local health officers,[14] on local health officers subject to approval by local boards of health,[15] on local boards of health,[16] on both State and local boards of health,[17] on State and local boards of health and health officers,[18] on the State board of health, council, or health officer of any city or town, or any two justices of a county,[19] on the Territorial board of health and its agents,[20] on the insular director of sanitation,[21] on any health authority

[1] Delaware, Michigan.
[2] Maryland.
[3] Arkansas (unless he consents), Massachusetts.
[4] Virginia, West Virginia.
[5] District of Columbia.
[6] Indiana (also when no physician is in attendance or case has not been reported), New Jersey.
[7] Ohio.
[8] Montana.
[9] Georgia.
[10] Alabama.
[11] New York.
[12] Rhode Island.
[13] Arizona, Hawaii, Massachusetts, Michigan, New Mexico, North Dakota, South Dakota, and Wyoming (apparently).
[14] Arizona, District of Columbia, New Hampshire, Washington, Wisconsin.
[15] Alabama, North Dakota.
[16] Colorado, Delaware, Idaho, Iowa, Maine, Massachusetts, Montana, Ohio, South Dakota
[17] Indiana (power may be delegated to executive officers), New Jersey.
[18] Oregon.
[19] Virginia.
[20] Hawaii.
[21] Porto Rico.

or justice of the peace,[1] on the city council or board of health,[2] on the town or city councils,[3] and, in the case of paupers, on the State board of charities.[4]

Before removal is made, additional requirements are provided in some States, such being patient's examination by a physician or skilled person,[5] by two physicians,[5] and by a member of the county board of health in addition to the health officer,[6] provision for the issuance of judicial warrants being made in some States.[7]

Removal of prisoners.—In various States provision is made for the removal of prisoners with communicable diseases from any penal institution,[8] or from the State penitentiary,[9] authority being contained in some laws for the removal of the other prisoners not infected[10] or the rejection of other prisoners when a communicable disease is present.[11] Removal from almshouses of inmates suffering with communicable diseases is also authorized in some States.[12]

HOSPITALS.

Obligatory establishment of hospitals.—The laws requiring the establishment of hospitals for communicable diseases are very few in number. In one State [4] cities and towns are empowered, and on the request of the State board of health compelled, "to establish and constantly maintain within their limits one or more hospitals for the reception of persons having smallpox, diphtheria, scarlet fever, tuberculosis, or other diseases dangerous to the public health, or to make arrangements with neighboring communities for establishing such hospitals"; and in another,[13] counties, cities, and towns are required to establish isolation hospitals or combine with other counties for the establishment of such institutions, whenever directed by the State board of health. In another State[14] local boards of health must, whenever required by the State board of health, establish and maintain "places of quarantine and isolation," subject to the rules of the State board of health. In another State,[11] whenever the board of health declares that the establishment of a hospital for communi-

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[1] Maryland.
[2] Michigan.
[3] Rhode Island.
[4] Massachusetts.
[5] Indiana, New Jersey.
[6] Alabama.
[7] Alabama, Iowa, Maine, Massachusetts, Michigan, Oregon, New Mexico.
[8] Colorado, District of Columbia, Georgia, Maine, Massachusetts, Michigan, Missouri, Montana, Ohio, Oklahoma, Washington, Wisconsin.
[9] Nebraska, New Jersey, Virginia.
[10] Connecticut, Idaho, Illinois Minnesota, Montana, Utah.
[11] New Jersey.
[12] Colorado, Michigan, New York, Ohio.
[13] Montana.
[14] California.

cable diseases is necessary, the municipal authorities must appropriate money for this purpose. A more recent law of the same State makes it obligatory for counties of the first class having a board of health [1] to appropriate annually not to exceed $6,000 for the establishment and maintenance of hospitals for communicable diseases other than smallpox.

By a law recently enacted in Porto Rico, a sum not exceeding $120,000 has been appropriated for the establishment by the insular service of sanitation of an insular hospital in each of the seven districts of the island for the treatment of cases of communicable diseases.

Establishment of hospitals optional.—In the other States the laws relative to the subject merely authorize the establishment of hospitals for communicable diseases at the discretion of the authorities.

Power to establish and maintain hospitals for communicable diseases is granted to counties, townships, and cities in one State,[2] to counties, cities, and towns in others,[3] similar powers being granted in other States in the case of quarantine grounds [4] and in the case of quarantine stations, camps, hospitals, tents, or pesthouses.[5] In other States, counties are empowered to establish hospitals,[6] quarantine grounds,[7] or provide buildings to quarantine persons.[8] Similar powers are vested in other States [9] on townships and municipalities, on townships when diseases dangerous to the public health prevail,[10] and apparently only on townships,[11] on cities and towns,[12] on cities and villages,[13] on cities, towns, and villages,[14] on cities,[15] on cities with more than 500 inhabitants,[16] on cities with more than 2,000 inhabitants,[17] on cities with more than 10,000 inhabitants,[18] and on cities graded above fifth class by the legislature.[19] In one State,[20] the State commissioner of health must recommend to city authorities the establishment of hospitals for infectious diseases.

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[1] Hudson County, N. J., is the only one answering to this description.
[2] New Jersey.
[3] Alabama, Colorado, Georgia, Idaho, Minnesota.
[4] Virginia.
[5] Texas.
[6] Iowa, Michigan, North Carolina, Utah.
[7] Colorado.
[8] Nevada.
[9] Michigan, Ohio, Vermont.
[10] North Dakota.
[11] Rhode Island.
[12] Arizona, Maryland, Oregon.
[13] Illinois, Nebraska.
[14] Louisiana, Mississippi.
[15] Indiana, Kansas, Wisconsin.
[16] Missouri.
[17] Wyoming.
[18] Washington.
[19] Kentucky.
[20] New York.

Joint hospitals.—Authorization for the establishment of joint hospitals is contained in laws as follows: By different counties, cities, and towns,[1] by counties,[2] by counties and municipalities,[3] by townships and cities,[4] by cities and towns,[5] and by municipalities.[6] Contracts with private hospitals for the reception of patients are also authorized in some States.[7]

Bonds.—Specific provision for the issuance of municipal bonds for the establishment of hospitals is contained in the laws of several States.[8]

State health authorities and hospitals.—Provision is made in various laws for the establishment of hospitals by the State health authorities. In one State,[9] part of the appropriation for the board must be used to equip a field hospital for communicable diseases. In others, power is granted the State board of health to provide temporary hospitals,[10] places of quarantine and isolation,[11] and quarantine grounds and temporary buildings and hospitals,[12] the State health officer being also authorized [13] to establish provisional hospitals and occupy the necessary buildings. In one State,[14] local magistrates may, on request of the State board of health or its agents, authorize the occupation of convenient houses to accommodate persons with communicable diseases. In New York the State commissioner of health is to make recommendations to the various municipalities in regard to the establishment of hospitals.

Local health authorities and hospitals.—In a number of States, local boards of health are empowered to provide temporary places for the reception of persons with communicable diseases,[15] suitable places for quarantined persons,[16] and isolation hospitals.[17] A similar power is granted by the laws of other States [18] when communicable diseases prevail, but the approval of the municipal councils is required, it being specified in one State [19] that the local board shall provide such hospitals through the mayor or township clerk. The county health officer in one State [20] is empowered to establish pesthouses, in an-

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[1] Idaho, Montana.
[2] Colorado.
[3] Maryland.
[4] Vermont.
[5] Massachusetts.
[6] New Jersey.
[7] Maryland, Massachusetts.
[8] Michigan, Minnesota, North Carolina, New Jersey, Ohio.
[9] Alabama.
[10] Delaware, Georgia (in rules of State board of health), Maine, Mississippi, Wisconsin.
[11] California.
[12] Kansas, Kentucky, Tennessee.
[13] Porto Rico.
[14] New Mexico.
[15] Arizona, North Dakota, Ohio, Oregon, South Dakota.
[16] Delaware, Georgia (rules of State board of health), Maine, West Virginia.
[17] Kentucky, Montana.
[18] Pennsylvania, South Carolina.
[19] Iowa.
[20] Wyoming.

other [1] both hospitals and pesthouses, the approval of the local board being required in another State [2] before such action is taken by him, and in another State,[3] both local health officers and local boards are authorized to designate places for persons with communicable diseases. The regulations of some State boards of health require the establishment of hospitals by local boards of health when the safety of the public demands it,[4] or smallpox prevails,[5] or make it the duty of local boards of health to require their establishment by county or city authorities.[6] In another State [7] the regulations of the State board of health advise municipalities with 1,000 inhabitants to secure cottages to properly isolate persons with contagious diseases.

Inspection and control of hospitals.—In various States [8] it is provided that the local health officer must have management and control of the city hospital, in one State [9] it being specified that the municipal hospitals are subject to the regulations of the local boards of health. In one Territory [10] the director of sanitation is to have control of all public hospitals for communicable diseases. In New York the State commissioner of health is required to inspect all municipal hospitals, and the State public health council may establish regulations for their maintenance. In some States [11] the plans and specifications of municipal hospitals must be approved by local boards of health, and in one State [9] by the State board of health, the hospitals to be inspected annually by its inspectors.

In some States [12] the State board of health is authorized to make inspections of hospitals, in one State [13] to regulate the sanitary features of their construction and equipment, and in others [14] the board is empowered to prescribe rules for their government. In other States [15] the cities may regulate and prohibit or permit the establishment of private hospitals, and in the District of Columbia a license from the authorities is required for their establishment, the hospitals being subject to inspection by the health officer. A license is required in some States [16] from the local board of health, which must maintain supervision. In another State [17] no hospital or pesthouse is to be established in villages without the permission of the local board of health.

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[1] Washington.
[2] Vermont.
[3] Connecticut.
[4] Nebraska.
[5] Louisiana.
[6] Kentucky.
[7] Oregon.
[8] Indiana, Iowa, New Jersey, Ohio, Wisconsin.
[9] Massachusetts.
[10] Porto Rico.
[11] New Jersey, Ohio.
[12] Delaware, New Jersey, New York, Oregon.
[13] Minnesota.
[14] Porto Rico, Oregon.
[15] Texas, New Jersey.
[16] Alabama, Rhode Island.
[17] New York.

Location of hospitals.—In various States [1] municipal hospitals may be established within or without the municipality, although in some States [2] it is provided that permission of the adjacent municipality is necessary unless the hospital is located more than 800 feet away from a public highway or inhabited dwelling. In one State [3] only cities with more than 40,000 inhabitants are empowered to establish hospitals outside of the city, provided they are located at least 1½ miles from the limits of the city. In the case of county hospitals it is provided in one State [4] that they can not be located within 250 feet of any public highway or inhabited dwelling. The establishment of pesthouses or hospitals for communicable diseases within municipal limits is in various States [5] considered a misdemeanor, in another State [6] it being declared unlawful to locate such institutions within 1 mile of the limits of incorporated cities. In the District of Columbia no public or private hospital can be built within 300 feet, and in one State [7] within 200 yards, of any private building. In some States [8] isolation hospitals can not be established within 100 rods, and in others [9] within 100 yards, of any inhabited dwelling unless with the consent of the city or town authorities. In another State [10] they can not be maintained within 20 rods of any public road, or one-fourth mile of any source of public water supply; and in another [11] hospitals or pesthouses for smallpox, cholera, and yellow fever can not be established within 50 yards of a street, road, park, or cemetery if in the city and within 150 yards if in a county. Controversies between municipalities or local boards of health as to location of pesthouses or isolation hospitals are to be settled in one State [12] by a committee appointed by the State board of health.

Occupation of private premises.—In a number of States [13] the laws authorize local magistrates to issue warrants for taking possession of convenient houses when, in the opinion of local authorities, their use becomes necessary for the accommodation of quarantined persons. In the regulations adopted by a State board of health [14] local boards

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[1] Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Oregon, Wyoming.
[2] Ohio, Oregon.
[3] Wisconsin.
[4] New Jersey.
[5] California, Idaho, Montana, Porto Rico, Utah.
[6] Kentucky.
[7] North Dakota (by regulation of State board of health).
[8] Maine, Massachusetts.
[9] Colorado.
[10] Utah.
[11] Virginia.
[12] Iowa.
[13] Georgia, Maine, Michigan, New Mexico, Oregon, Virginia, Washington.
[14] Nebraska.

of health are directed, in cases of great emergency, to seize and use as a temporary isolation hospital any suitable isolated building, similar provisions existing in the laws of other States.[1]

DISINFECTION.

Since olden times disinfection has been one of the weapons on which most reliance has been placed in the struggle against communicable diseases. The number of diseases for which it is required differs considerably in the various States, its enforcement being usually obligatory in the case of those diseases declared "dangerous to the public health" by State law or regulation of the State board of health. In one State,(2) it is provided that disinfection can only be made compulsory for the nine diseases mentioned in the law. In another State,(3) in addition to the diseases for which it is required, it can also be performed by the health authorities in cases of tuberculosis, if requested.

While terminal disinfection is generally enforced to more or less extent, the provisions which govern its application in the different States offer wide dissimilarities, although the principles underlying it are very much the same.

Disinfection of infected premises and contents, before release of quarantine is required by law in many States,[4] and in many more (5) by regulation of the State board of health. In some States,(6) local health authorities are empowered, and in others (7) compelled to require and if necessary provide means for disinfection. In one State,[8] they must require disinfection, but only if the owner or person in charge can afford it. In other States, the regulations of the State board of health require the disinfection of infected bedding, clothing, etc.,(9) at the termination of the disease or forbid removal of such articles from the premises unless disinfected.(10) In Alabama, while the laws do not specifically require disinfection, local health officers are authorized to enter infected premises for purposes of disinfection; and in Nevada county authorities may at their discretion furnish disinfectants to quarantined persons.

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[1] Ohio, Porto Rico (director of sanitation).

[2] Iowa.

[3] Ohio.

California, Delaware, District of Columbia, Idaho, Indiana, Kansas, Kentucky (for smallpox only), Maryland, Massachusetts, Montana, New Hampshire, Ohio, Oregon, Pennsylvania, Rhode Island (in case of smallpox), Tennessee, Texas, Washington, Wisconsin.

[4] Arizona, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Montana, Nebraska, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Utah, Vermont, Virginia, Washington, Wisconsin, Wyoming.

[5] Maine, New York, North Dakota, Vermont.

[7] Montana, Washington.

[8] West Virginia.

[9] Louisiana.

[10] Connecticut.

Disinfection in interstate traffic.—In many States [1] specific authority is conferred for the disinfection of goods and, if necessary, effects of persons coming from other States.

Destruction of goods.—In the case of articles exposed to infection, health authorities are empowered, if necessary, to destroy them by provision on the statute books [2] or regulations of the State board of health, [3] it being usually provided that adequate compensation is to be paid for destroyed articles. [4] In one State [5] it is provided that no destruction of goods is to be ordered by the health officer without the approval of the local authorities.

Disinfection of premises.—In all the States mentioned above, disinfection of infected premises is of course required. In addition, special provisions are contained in the laws of various States, declaring it unlawful to sell or to lease infected premises which have not been disinfected, unless the prospective purchaser or lessee is informed of the fact, [6] making it a misdemeanor to rent undisinfected houses where cases of communicable diseases have occurred, [7] forbidding the rental of such houses unless disinfected to the satisfaction of the health authorities [8] or a physician, [9] and providing for their being placarded unless disinfected. [10] Other laws require the local health officer to disinfect any such premises before being used by other persons, [11] or to compel householders to disinfect their houses if such action may check the spread of disease in the opinion of the health authorities [12] or a physician. [9] In other States, [13] the regulations of the State board of health provide that no house in which cases of communicable disease have just occurred is to be rented unless disinfected.

Discharges, etc.—Disinfection of patients' discharges and articles in use by them is specifically required in some laws [14] and regulations of State health authorities. [15] In some States, however, this is only

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[1] Colorado, Connecticut, Kansas, Kentucky, Maine, Michigan, Virginia, Wisconsin, etc.

[2] Arizona, California, Delaware, Idaho, Indiana, Maine, Maryland, Massachusetts, New Jersey, North Dakota, Pennsylvania.

[3] Georgia, Kentucky, Minnesota, Montana.

[4] Arizona, California, Georgia (according to rules, State board of health), Idaho, Indiana, Maryland, Massachusetts, Minnesota (rules, State board of health), New Jersey, North Dakota.

[5] Vermont

[6] Alabama.

[7] New Jersey, Utah.

[8] Maine, Ohio, Pennsylvania, and also Minnesota, North Dakota, and South Dakota by rules, State board of health.

[9] Maryland.

[10] Texas and Florida by rules, State board of health.

[11] Michigan.

[12] Idaho, Maine.

[13] Arizona, Arkansas (only for tuberculosis, scarlet fever, diphtheria, smallpox, and poliomyelitis) Louisiana.

[14] District of Columbia, Maine (if required by local board of health), North Carolina.

[15] Illinois, Kansas, Maryland, Nebraska, North Carolina, Oklahoma, Pennsylvania, Tennessee, Texas.

required for specified diseases, such as typhoid fever,[1] poliomyelitis,[2] smallpox,[3] cerebrospinal meningitis,[4] measles,[5] and diphtheria.[6]

Physicians, etc.—In regulations issued by various State boards of health, it is provided that before leaving infected premises disinfection of clothes and other precautions should be observed by physicians,[7] physicians and nurses,[8] and physicians and health officers,[9] attendants, nurses, or persons in house,[10] quarantine officers and ministers of the gospel.[11]

Time of disinfection.—In most States only terminal disinfection is contemplated by the provisions in law or regulation. In some States[12] it is provided, however, that disinfection must begin at the onset of the disease and be continued until its termination. In others[13] it is required usually by regulation of the State board of health that for certain diseases the disinfection shall be of a more radical character than for others, the disinfection being called "complete" or "partial," according to the severity of the requirements.

Methods of disinfection.—In rare instances[14] the methods to be followed in disinfecting are specified in the law. In many States[15] the laws demand that all disinfection be made in accordance with methods prescribed by the State health authorities, the same requirement being made in other States[16] by rules of the State board of health. Circulars on methods of disinfection and proper disinfectants to use have been issued by many State boards of health[17] to secure uniformity within the State and to make the process as efficient as possible.

By whom performed.—In some States it is provided that all disinfecting must be done by the local health officer,[18] by him or his

[1] Arkansas, Michigan, Minnesota, Montana, North Dakota, Oregon, Pennsylvania, Utah, Vermont, Washington, Wisconsin, Wyoming.
[2] Arkansas, Iowa.
[3] Missouri.
[4] Arkansas, Minnesota.
[5] Arkansas.
[6] Pennsylvania.
[7] Arkansas, Indiana, Kentucky, Washington, Wisconsin.
[8] Utah, Vermont.
[9] Nebraska.
[10] Illinois, Maine.
[11] North Carolina.
[12] Idaho, Illinois.
[13] Pennsylvania, Tennessee, Texas, Wyoming.
[14] District of Columbia.
[15] Indiana, Iowa, Minnesota, Montana, New Hampshire, Ohio, Pennsylvania, Rhode Island, Texas, Utah, Wisconsin.
[16] Arkansas, Georgia, Idaho, Nebraska, Washington.
[17] Arkansas, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Minnesota, Montana, Nebraska, North Carolina, North Dakota, Oklahoma, Pennsylvania, Vermont, Virginia, Washington, Wisconsin. Wyoming.
[18] North Carolina and Washington, and also Colorado and Michigan (unless otherwise ordered by local board of health).

deputy,[1] by him or attending physician,[2] by him or competent agent but never by a member of household,[3] by him or attending physician or other suitable person,[4] by the local board of health,[5] by the State or local board of health or their officers or agents,[6] by the attending physician,[7] or by the person in charge.[8] In other States it is provided that it must be done to the satisfaction of the local health officer,[9] under his direction,[10] under his direction or that of his deputy,[11] under his supervision,[12] and in one State[13] under the direction of the local board of health. In one State[14] the local health officer is required by the regulations of the State health authorities to see that disinfection is carried out, and in another[15] that it is properly done.

In one State[16] it is provided that the State board of health must purchase out of its appropriation a disinfecting equipment for use in emergencies and special circumstances.

EXPENSES.

Expenses, State board of health.—Mention is made elsewhere of those States which have "epidemic funds" for use by the State authorities in certain emergencies; and also of those States which provide specific funds for the distribution by State authorities of certain curative or prophylactic agents or for the investigation of disease. Likewise, in many States[17] regular appropriations are made on behalf of the State health authorities for use in current work, part of which, in some States, must be used for the control of communicable diseases. In Florida a tax of one-half a mill on all assessable property is authorized for the maintenance of the State board of health.

Inadequacy of appropriations.—These appropriations are in most cases admittedly inadequate to the work required by law of State health authorities. A recent publication[18] shows that in only a few

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[1] Indiana.
[2] Arkansas, Georgia.
[3] Utah.
[4] Iowa.
[5] Delaware, Maryland.
[6] Oregon.
[7] Iowa, Kentucky.
[8] District of Columbia, Massachusetts.
[9] Pennsylvania and also Arizona by rules, State board of health.
[10] Iowa, Wisconsin.
[11] California, Kansas, Ohio, Tennessee, Texas, Washington (regulations).
[12] Connecticut, Illinois, Montana, Nebraska, South Dakota, Vermont (under rules, State board of health).
[13] Idaho.
[14] Minnesota.
[15] New York.
[16] Alabama.
[17] Alabama, Connecticut, District of Columbia, Florida, Georgia, Hawaii, Illinois, Indiana, Louisiana, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, Porto Rico, Rhode Island, Utah, Virginia, Washington, Wisconsin.
[18] Public Health Bulletin No. 54, p. 25.

States[1] do the appropriations for health work exceed 10 cents per capita. In three States[2] the amount per capita is more than 5 cents and less than 10 cents, in 2 States[3] less than 5 cents and more than 4, in 3 States[4] less than 4 cents and more than 3 cents, in 12 States[5] less than 3 cents and more than 2 cents, in 13 States[6] less than 2 cents and more than 1 cent, in 5 States[7] less than 1 cent and more than ½ cent, in 5 States[8] less than ½ cent, and in 2 States[9] nothing at all.[9a]

Local expenses, State board of health.—In some States[10] it is provided that local communities must reimburse the expenses incurred by the State health authorities, when assuming charge of local measures for the suppression of disease on account of the inability or unwillingness of any local health official to enforce them.

General expenses, local sanitation.—In various States,[11] it is specifically provided and in others[12] it is implied that expenses incurred for local sanitation or protection of the public health must be paid by the community interested, county, township, city, or town, as the case may be, it being usually provided that cities and towns must pay expenses incurred within their limits and counties those incurred outside. In one State[13] it is, however, stipulated that when the authorities are unable to meet the expenses of local sanitation these expenses will be certified by the board of health to the county court, which may pay all or part of them from the county treasury. In other States,[14] such expenses may or may not be authorized by counties, cities, and towns and can not be incurred without previous approval. In some States the necessary expenses of suppressing communicable diseases are paid by the cities[15] or by the townships, cities, or villages[16] and afterwards reimbursed by the county. In some States[17] the expenses incurred for the preservation of health must be paid out of the county funds, or may be so paid at the dis-

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[1] Pennsylvania, Nevada, and Florida; and also Hawaii, Porto Rico, and the District of Columbia.

[2] Montana, Vermont, Massachusetts.

[3] Idaho, New Jersey.

[4] Utah, Colorado, Minnesota.

[5] Delaware, Maryland, Rhode Island, New Hampshire, California, Kansas, Louisiana, Oregon, Arizona, Indiana, Illinois, Maine.

[6] Oklahoma, New York, Connecticut, Virginia, South Carolina, Mississippi, Kentucky, Washington, Alabama, Georgia, Ohio, Wyoming, North Carolina.

[7] Michigan, Wisconsin, Nebraska, Missouri, Tennessee.

[8] North Dakota, Iowa, Texas, South Dakota, West Virginia.

[9] Arkansas, New Mexico.

[9a] Since the above list was prepared, a number of States have increased their appropriations. Thus Arkansas is now granting its State board of health a little more than ½ cent per capita, West Virginia more than 1 cent, and Wisconsin more than 1½ cents.

[10] Colorado, Delaware, Idaho, Illinois, Louisiana, Minnesota, Nebraska, Ohio, Pennsylvania, Washington, Wisconsin.

[11] Arkansas, California, Indiana, Louisiana, Montana, New Hampshire, North Dakota, Washington, West Virginia, Wisconsin.

[12] Massachusetts, New Jersey, Tennessee, Vermont, etc.

[13] West Virginia. [14] Alabama. [15] Kansas. [16] Michigan. [17] Georgia, Iowa, New Mexico.

cretion of the county commissioners.[1] In other States legitimate expenses incurred by county boards of health,[2] by county health officers,[3] or by county health officers with the approval of the county board[4] must be discharged as are other county liabilities. In one State[5] county and township boards of health are authorized to incur expenses in the discharge of their duties; and in others[6] the expenses incurred by boards of health in the suppression of communicable diseases must be paid by the municipality.

In New Jersey, counties, townships, boroughs, cities, and villages are authorized to incur the necessary expenses to guard against and prevent the spread of communicable diseases, when the State or local authorities call attention to the need for this expenditure, and in Vermont, in case of impending pestilence, the local board of health, under the direction of the State board of health, is to incur the necessary expenses for the preservation of the public health. In Wisconsin, the money from liquor licenses may be used, after defraying the expenses of the poor, for public health purposes by cities, towns, or villages. In both Hawaii and Porto Rico, all expenses for local sanitation are paid out of the insular funds, in the latter island each municipality covering into the treasury 12 per cent of its revenue to attend to these expenses.

Annual appropriations.—In 3 States[7] the laws require that local boards of health shall submit annually estimates of the appropriations needed for use in their work.

Special health tax.—In California a tax of not exceeding $3 per capita or a property tax of not exceeding one-fourth of 1 per cent yearly may be levied by the county or municipality to enforce the health laws, and in addition county authorities may collect a special sanitary tax not to exceed one-half mill of each $1 of assessed property for purposes of general sanitation or to prevent the introduction or spread of communicable diseases. In North Carolina county commissioners are also authorized to levy a special tax for the preservation of the public health.

Loans.—If no funds are available, in case of actual or threatened epidemic, money may be borrowed by the authorities or levied by tax in some States.[8] In another State[9] the county authorities may borrow money or raise it by tax for quarantine purposes, and in another,[10] when recommended by local health authorities, counties and municipalities may appropriate funds or assume responsibilities to prevent the spread of disease.

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[1] Maryland.
[2] Idaho, North Dakota, South Dakota, Tennessee, Utah.
[3] Oklahoma.
[4] Arizona.
[5] Illinois.
[6] New York, Ohio.
[7] New Jersey, Pennsylvania, South Carolina.
[8] New Jersey, Ohio. [9] Michigan. [10] Alabama.

Interstate quarantine expenses.—Maritime quarantine being in most States performed by the Federal Government, in only a few States [1] is provision made for the support of existing State quarantine stations. In most States the "epidemic funds" are intended for use in the establishment of interstate quarantine, while in one State [2] an annual appropriation of $20,000 is made for the enforcement of the State quarantine laws.

Intrastate quarantine.—In the laws it is generally implied or specifically stated [3] that the expense of enforcing quarantine declared by counties, cities, or towns must be borne by them. In one State [4] it is provided that when quarantine is established by the State board of health against any county or city the expense must be paid by said county or city. In some States [5] it is provided that the expense involved in examining persons or goods in interstate or intrastate traffic or in quarantining or disinfecting them shall be a charge against the persons or owners of goods.

Household quarantine.—In most State laws it is either implied or specifically declared [6] that the expenditures required to carry out the quarantine measures necessary for the protection of the public, such as the enforcement of isolation, guarding, etc., must be borne by the community affected. In some States,[7] however, it is provided that if the patient refuses to be removed to an isolation hospital the expense of quarantining his premises must be borne by him; and in others [8] that all expenses of quarantine must be paid by the individual responsible for it.

Care and maintenance, etc.—In one State [9] it is provided that the State board of health is to pay out of its funds any necessary expenses when assuming control of cases of communicable disease. In most States [10] the laws specify that all expenses occasioned by furnishing medical attendance, medicines, or necessaries of life to quarantined persons must be borne by the individuals themselves, unless unable to pay. In some States [11] such expenses may, if desired, be made a public charge by the local authorities, and in one State [12] county authorities are empowered to pay at their discretion for physician's

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[1] Massachusetts, New Jersey, New York, Pennsylvania, Texas, Virginia.

[2] Alabama.

[3] Alabama, Mississippi, New Mexico, Texas, West Virginia (even when enforced by State board of health), Wyoming.

[4] Idaho.

[5] Colorado.

[6] Delaware, Mississippi, Nevada, New Mexico, North Dakota, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Wisconsin, Wyoming.

[7] Arizona.

[8] Colorado, Maine (unless local health authorities decide otherwise), Virginia.

[9] Florida.

[10] Arizona, Delaware, Georgia, Hawaii, Idaho, Iowa, Michigan, Minnesota, Nevada, New Mexico, North Dakota, Ohio, Oregon, Pennsylvania. South Dakota, Tennessee, Vermont, Virginia, Wisconsin, Wyoming.

[11] Maine, New Hampshire, North Carolina.

[12] Mississippi.

services and medicines. If the physician is called by the board of health, his services must in one State [1] be paid by the local authorities. In some States [2] it is provided that if the patient is quarantined in his own home no part of the expenses can be paid out of the public funds; and in others [3] that no expense for medical treatment and care at public expense is to be incurred, except with the approval of the town or city authorities.

Nonresidents.—When expenses incurred on account of a nonresident with communicable diseases are not reimbursed by him, it is provided in various States that the expenses shall be a charge against the county, city, or town of his residence,[4] paid by the city or town where he has legal residence or by the State board of charities,[5] paid out of the county funds and not by the city or town,[6] by the county of his residence or if from outside the State by the State,[7] and if brought in a vessel from abroad by the master of the vessel.[8] In one State [9] when cases of disease occur in any work camp, all expenses caused or originated by it must be paid by the person or corporation maintaining the camp.

Expenses, removal.—In some States [10] it is specifically provided that the expenses of removing a person to a separate house or isolation hospital shall be a public charge; in others [11] such expenses are declared a charge against the individual unless unable to pay.

Expenses in hospital.—In some States [12] it is specifically provided that the expenses incurred by maintaining a person in an isolation hospital must be reimbursed by him unless unable to pay; in others [13] such expenses are made a public charge, it being in some cases [14] specified that they will be paid by the authorities only when the individual is too poor to reimburse them. In most States making provision for the establishment of isolation hospitals the laws declare that the cost of maintenance is a charge against the county, township, or municipality,[15] or the local authorities are empowered to make annual appropriations for the support of such institutions.[16]

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[1] Arizona.
[2] Georgia, Iowa.
[3] Vermont.
[4] Colorado, Iowa, Ohio, Pennsylvania, Wisconsin.
[5] Massachusetts.
[6] Montana.
[7] South Dakota.
[8] Hawaii.
[9] Ohio
[10] Indiana, Iowa (apparently), Wisconsin.
[11] Alabama, Rhode Island, Virginia, and apparently also in Hawaii and New Mexico.
[12] Colorado, Hawaii, Maryland, Massachusetts, North Carolina, North Dakota, Ohio, etc.
[13] Indiana, Georgia (apparently), Iowa (apparently).
[14] Porto Rico.
[15] Colorado, Virginia, etc.
[16] Louisiana, Ohio, etc.

Expenses, disinfection.—In a number of States [1] the laws, and in one,[2] the regulations of the State board of health prescribe that the cost of disinfection shall be borne by the community. In others it is to be a public charge only in the case of indigent persons [3] when removed from residence [4] or when certified by the local health officer to the county authorities.[5] In various States [6] local boards of health are to provide means of disinfection at public expense, in another [7] county authorities may furnish disinfectants to quarantined persons, and in one of the above-mentioned States[8] the instructions of the State health department to local health officers state that whenever disinfection becomes necessary it ought to be done at public expense. In Ohio local health authorities are empowered to purchase disinfecting apparatus and supplies, and in the two insular Territories [9] part of the appropriations on behalf of the Territorial health authorities may be used for expenses of disinfection.

In other States householders are required to disinfect their premises at their own expense, but the board of health may do so at public expense and employ proper persons for this purpose,[10] or if performed by the local health officer the expenses may be recovered from the owner or occupant unless unable to pay.[11] In the District of Columbia, however, the expenses of disinfection are paid out of the annual appropriation provided by Congress for that purpose.

Recovery, expenses.—In most States it is provided that whenever any expense has been incurred on account of a quarantined person he is to reimburse it, a right of action in court against him being specifically reserved in some States.[12]

EPIDEMIC FUND.

In a majority of the States [13] provision has been made authorizing the employment of certain funds for the prevention or suppression of epidemics, the establishment of quarantine, or the control of com-

[1] Delaware, Montana, North Dakota, Ohio, Tennessee (apparently), Wisconsin.
[2] Vermont.
[3] Idaho (optional with local health authorities), Iowa, Maryland (optional with local authorities), Wyoming.
[4] Iowa.
[5] Mississippi.
[6] Maine, Montana, New York, Utah.
[7] Nevada.
[8] New York.
[9] Hawaii, Porto Rico.
[10] Massachusetts.
[11] District of Columbia, Idaho, Colorado, Maryland, Minnesota, Rhode Island, and also Connecticut (by rules approved by the State board of health).
[12] Alabama.
[13] Alabama, California, Colorado, Connecticut, Delaware, Florida, Hawaii, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Porto Rico, Rhode Island, South Carolina, Tennessee, Washington.

municable diseases. In various States [1] specific amounts are appropriated for this purpose, while in others part of the general appropriation of the State board of health [2] or of certain appropriations controlled by the board [3] is to be used or could be so used. In still other States [4] no definite amount is mentioned, but the governor is authorized, on request of the State health authorities, to authorize the expenditure of the necessary funds. In at least two or three States,[5] in addition to the emergency provisions for cases of epidemics, funds are set apart in the current appropriations for the control of communicable diseases.

The specific object of these appropriations as given in the laws is: The establishment of quarantine; [6] for the prevention of the introduction of cholera, plague, smallpox, or other contagious and infectious diseases, and for investigation and suppression;[7] the prevention of epidemic diseases;[8] of epidemic or pestilential diseases;[9] or epidemic or malignant diseases such as cholera, smallpox, yellow fever, and typhus fever;[10] the prevention of cholera and yellow fever;[11] of cholera or other communicable diseases dangerous to the public health;[12] of cholera or other pestilential diseases;[13] of cholera, smallpox, or other epidemic diseases;[14] or of plague, cholera, and other Asiatic diseases;[15] prevention of epidemics and establishment of quarantine;[16] to help any locality which applies to the State board of health for assistance in stamping out outbreaks of contagious or infectious diseases;[17] in case of epidemics or peril to the public health;[18] for protection against spread of contagious and infectious diseases;[19] for contingent expenses, contagious and infectious diseases;[20] for contingent expenses;[21] for the suppression of epidemics, prevention of disease, and protection of life in times of epidemic or disaster beyond the ability of local

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1 Alabama, Colorado, Connecticut, Delaware, Hawaii, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Nebraska, New Hampshire, New York, North Carolina, Ohio, Oklahoma, Oregon, Tennessee.

2 Missouri, Pennsylvania, Wisconsin.

3 Mississippi, South Carolina, Washington.

4 Florida, Maine, Michigan, Mississippi, Porto Rico, Rhode Island, and also New Jersey (if authorized by governor, comptroller, and treasurer).

5 Illinois, Indiana, Mississippi.

6 Alabama, Florida, Michigan, Mississippi.

7 California.

8 Kansas, Nebraska, Porto Rico, Tennessee.

9 Delaware, Maryland.

10 Illinois.

11 Connecticut, Kentucky.

12 Colorado, Indiana.

13 North Carolina.

14 New Hampshire.

15 Oregon.

16 Rhode Island.

17 Louisiana.

18 New Jersey.

19 South Carolina.

20 Oklahoma.

21 Ohio, Utah.

authorities to check;[1] for suppression of contagious diseases;[2] and for control of contagious diseases and general sanitary problems.[3]

While in the majority of these States the funds provided are to be used only in emergencies, in other States[4] they are intended as are other appropriations of the State board of health for use in its current work. In most of the States[5] the epidemic or emergency funds can be used only with the approval of the governor, while in one State[6] the governor himself is to dispose of the funds either through the State board of health or otherwise.

The amounts of these epidemic or emergency funds are as follows in those States in which specific amounts are fixed and the purpose defined in law:

New York	[7] $115,000
California	100,000
Indiana	50,000
Hawaii	25,000
Alabama, South Carolina	20,000
Minnesota	[8] 20,000
Oklahoma	15,000
Kentucky, Maryland, Mississippi,[9] New Hampshire,[10] Tennessee	10,000
Illinois	8,000
Colorado, Connecticut,[11] Kansas, Louisiana, Nebraska, North Carolina, Oregon	5,000

In the presence of epidemics, the necessary funds would naturally be appropriated by the State legislatures. Thus, in Oklahoma, a sum of $10,000 was recently appropriated to suppress an epidemic of smallpox.

DISEASE TRANSMISSION AND CARRIERS.

The transmission or possible transmission of disease by means of intermediate carriers has been recognized in State health laws and regulations as follows:

PET ANIMALS.

Leaving rabies[12] aside, the prevention of the spread of communicable diseases by domestic animals, especially dogs and cats, on infected premises, has not been the subject of State legislation, although in

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[1] Pennsylvania.
[2] Hawaii, New York.
[3] Minnesota.
[4] Hawaii, Louisiana, Minnesota, Mississippi, New York, Ohio, Oklahoma, Washington.
[5] Alabama, California, Colorado, Delaware, Illinois, Maine, Maryland, Nebraska (in his capacity as president, State board of health), New Hampshire, North Carolina, Pennsylvania, South Carolina, Tennessee.
[6] Indiana.
[7] Also for the preparation of tuberculosis exhibits.
[8] Two appropriations—one, $12,500 for the control of contagious diseases and investigation and prevention of tuberculosis; another, $7,500 for dealing with general sanitary problems.
[9] Current fund for the eradication of infectious diseases; bacteriological and investigation fund of $9,000 to be used in the eradication of hookworm disease.
[10] Apparently another appropriation of $5,000 could also be used by the governor.
[11] Additional funds can be provided by the governor if deemed expedient.
[12] The laws and regulations relating to rabies will be published in a separate bulletin.

14 States [1] the State boards of health have adopted regulations relative to it.

These regulations vary considerably, being in the various States applicable only to smallpox,[2] to smallpox, scarlet fever, and diphtheria,[3] to smallpox, scarlet fever, diphtheria, cerebrospinal meningitis, whooping cough, mumps, and chicken pox,[4] to all diseases subject to quarantine,[5] and to all diseases subject to either quarantine or isolation.[6] The measures prescribed differ considerably. Exclusion of domestic pets is required [7] from the sick room, from the infected premises, or from[8] the infected premises in cases of quarantinable diseases, and from the sick room in cases of diseases subject to isolation.[9] In some States strict quarantining of them is prescribed,[10] or their disinfection at the termination of quarantine.[11] In other States their extermination is required in all cases,[12] or if allowed to run at large.[13]

RODENTS.

The measures in force against rodents in this country have been practically all prescribed by local ordinances, most of which are of very recent enactment, being based on the possibility of outbreaks of plague. In various States,[14] however, State laws or regulations have been adopted having for their object the destruction of these pests. California has undoubtedly the most comprehensive law, whereby owners or occupants are required to exterminate rodents whenever they are found to infest any land, place, building, structure, wharf, dock, or vessel; county boards of supervisors may provide funds for extermination; and if owners or occupants refuse to comply with the provisions of the law it becomes the duty of State and local boards of health to destroy the rodents, the expense being chargeable to the county or municipality, and becoming a lien on the property. Similar provisions have been adopted in Porto Rico by regulations of the insular board of health, which also require the ratproofing of buildings. A similar law has recently been adopted in Indiana, the act also authorizing the governor to designate annually a "rat day"

[1] Arizona, [2] Arkansas, Illinois, Indiana, Nebraska, Missouri, Iowa, Kansas, North Carolina, Oklahoma, Pennsylvania, Tennessee, Vermont, Washington.
[2] Missouri, Nebraska.
[3] Tennessee, Vermont.
[4] Pennsylvania.
[5] Iowa, Oklahoma.
[6] Arizona, Arkansas, Illinois, Indiana, Kansas, North Carolina, Washington.
[7] Illinois, Kansas, Pennsylvania (for chicken pox, mumps, and whooping cough).
[8] Arizona, Indiana, Iowa, Oklahoma.
[9] Washington.
[10] Nebraska, North Carolina, Pennsylvania, Tennessee, Vermont.
[11] Iowa, Nebraska, Oklahoma, Pennsylvania, Tennessee, Vermont, Washington.
[12] Missouri.
[13] Indiana, Nebraska, Pennsylvania, Tennessee.
[14] California, Hawaii, Idaho, Indiana, Iowa, Louisiana, Minnesota, Missouri, Oklahoma, Porto Rico, Utah, West Virginia.

for the destruction of rodents. In Iowa and Oklahoma the regulations of the State board of health provide that whenever any premises are quarantined, special precautions must be taken to destroy rats and mice, and a similar requirement is made by the Louisiana State board of health in the case of vessels, hotels, and restaurants. Specific appropriations for the destruction of rats was made by the last two legislatures of Hawaii.

In the other States, the measures against rodents have been enacted chiefly for the benefit of the agricultural interests and can hardly be considered as public health legislation. Thus in Idaho there is authority for the levy in each county of a tax not exceeding 5 mills on the dollar for the extermination of rodents and other pests; in Missouri county courts may offer a reward of not to exceed 10 cents per head for the destruction of gophers, moles, ground squirrels, and chipmunks; and authorization for the payment of such bounties is also contained in the Iowa, Minnesota, and Utah laws, and also in West Virginia for the destruction of noxious animals.

INSECTS.

Of the insects capable of transmitting disease to man, only the fly and the mosquito, and in Montana the tick transmitting Rocky Mountain spotted fever, have been the subject of public action in this country.

In Montana a recent law has created a State board of entomology, composed of the State entomologist, the secretary of the State board of health, and the State veterinarian, to investigate the dissemination of disease by insects and to take steps to eradicate and prevent the spread of Rocky Mountain spotted fever, poliomyelitis, and all other diseases that may be transmitted or carried by insects, the rules which the board is empowered to make being, however, subject to approval by the State board of health. An appropriation of $5,000 is allotted to carry on the work of the board.

In the case of the fly, the campaigns of eradication have practically all been conducted under local ordinances or the auspices of civic organizations. In the regulations of some State boards of health it is provided that when flies are present in quarantined premises the doors and windows of the patient's room must be screened and fly paper used,[1] or that all insects must be excluded from the sick room or killed.[2] Screening of patients' rooms in cases of poliomyelitis is required in some States [3] and in cases of typhoid fever is required in the regulations of several State boards of health,[4] or recommended

[1] Iowa, Oklahoma.
[2] Pennsylvania, Tennessee (only in cases of scarlet fever and diphtheria).
[3] Montana, Wisconsin.
[4] Arkansas, Illinois, Nebraska, Pennsylvania, Vermont, Washington.

by them.[1] If typhoid is prevalent, the regulations of one State board of health [2] require that the screening of water-closets and privies shall be rigidly enforced.

A model fly ordinance has been prepared by another State board of health [3] for adoption by local authorities. Another State board of health [4] forbids in its regulations the keeping of horses or mules within cities or towns unless the breeding of flies is prevented, and still another [5] requires the removal of manure once a year. In Arkansas the regulations of the State board of health require the prompt collection and proper disposal of garbage and house refuse. In Mississippi the maintenance of breeding places for flies in stables or elsewhere is forbidden by a regulation of the State board of health; in Louisiana a number of regulations have likewise been adopted governing stables and the disposal of manure, while in practically all States local authorized to regulate stables and even forbid their establishment within urban limits.

In various States, by law or regulation, provision is made for the screening of food establishments,[6] hotels,[7] slaughterhouses and meat shops,[8] bakeries and confectioneries,[9] hospitals and sanatoria,[10] and of all privies.[11] While the word "screened" appears among the requirements prescribed for factory, school, and hotel privies in many States, it is apparently used in the sense of protection against observation and not against the ingress of insects.

In Mississippi the county boards of supervisors may, when the county health officer deems it necessary, make appropriations for the screening of cisterns and other water containers; the screening of all water containers in railway depots and stations being also required in Texas, as is also the drainage of such stations, to prevent the collection of stagnant water.

The laws of Louisiana authorize the sewerage and water board of New Orleans to close all cisterns, tanks, and wells (except artesian), an act of 1894 forbidding, except with the permission of the State board of health, the digging or overturning from May 1 to September 1 the pavement of any street. The State board of health in its sanitary code prescribes, with a view to preventing mosquitoes, the screening of all cisterns, tanks, and barrels, the weekly emptying of water containers in public buildings, the screening, petrolizing, or stocking with larvæ-feeding fish of all pools, basins, fountains, etc., liable to hold stagnant water, and careful guarding of patients suspected of having yellow fever against mosquitoes between March

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[1] New York, Tennessee.
[2] Minnesota.
[3] Indiana.
[4] Florida.
[5] Montana.
[6] See p. 113.
[7] See p. 120.
[8] See p. 118.
[9] See p. 116.
[10] Louisiana.
[11] Arkansas, Louisiana.

15 and November 15. Similar provisions are contained in the Arkansas regulations.

In New Jersey the State agricultural experiment station is required by law to make, at the request of local authorities, an investigation into the causes responsible for the existence of mosquitoes in any locality and suggest measures to abolish them. The director of the station is also required by another act to survey all the salt marshes of the State and map the breeding places of mosquitoes, estimating at the same time the cost of abolishing them. The local health authorities must be informed of his findings, and they in turn are required to notify property owners of their duty to remedy the conditions responsible for the breeding of mosquitoes. Should the owners fail to do this, the local authorities may take the necessary measures, the cost to become a lien on the property.

In the same State provision is also made for assistance by the State to municipalities which find themselves unable to suppress mosquito-breeding places, the law providing that in every instance preference must be given to municipalities making appropriations of their own for this work. During the year 1912 an appropriation was made for this purpose, while chapter 104, acts of 1912, provided for the appointment in each county of mosquito extermination commissions, the amount of money necessary for the discharge of their duties to be included annually in the tax levy.

In Hawaii an appropriation of $30,000 was made in 1911 for an antimosquito campaign, elaborate regulations having been issued by the Territorial board of health for the prevention and eradication of breeding places. In the same Territory in 1913 a law was passed forbidding the destruction of larvæ-killing fish. In Massachusetts an appropriation of $150,000 was made in 1911 on behalf of the State board of health for the purpose of draining the basin of the Neponset River and thus preventing malaria, half of the expense to be reimbursed by the cities and towns affected after completion of the work. In the same State the last legislature voted an appropriation of $1,000 to the State board of health to show local boards of health methods of exterminating mosquitoes.

The most effective way of preventing both flies and mosquitoes consists naturally in abating insanitary conditions which favor their development. The voluminous State legislation relative to swampy lands, drainage, and nuisances [1] could undoubtedly be used to advantage for this purpose. In a number of States, such as Arkansas, Connecticut, Florida, Louisiana, Minnesota, etc., regulations for the proper collection and disposal of garbage have been in addition issued by the State board of health.

[1] The laws relative to nuisances will be analyzed and published in a separate bulletin.

In some States [1] it is provided that an accumulation of water in which mosquitoes breed is a nuisance, and subject therefore to abatement by the owner, or in his default by the local authorities, the expense involved being assessed against the property. In other States any land covered with stagnant water,[2] or any pond of stagnant water and cellars or grounds containing such ponds,[3] are likewise declared nuisances. In other States it is provided that landowners must not allow water to stagnate so as to endanger health,[4] that the stagnation of water in streams may be punished by a fine,[5] or that lots, cellars, and foundations in seaport towns are to be kept free from stagnating or putrid water during the summer months.[3] In some States municipal corporations,[6] or local boards of health,[7] are specifically empowered to cause any lot or land, or even cellar, vault, or drain, on or in which water becomes stagnant to be drained or filled up; and in one State [8] the grand jury is to investigate nuisances caused by stagnant water on lot or lots within the boundaries of the city and to decide the facts in the case with a view to issuing orders for abatement.

HUMAN EXCRETA.

The recent interest in the prevention of hookworm disease and typhoid fever has served to attract new attention to the important part played by excreta in the spread of various diseases. The disinfection of discharges of typhoid fever patients is required by practically all the State boards of health,[9] which have issued special regulations for the control of the disease. Sanitary requirements for the establishment of privies have been prescribed by regulations of various State boards of health [10] and by law in the District of Columbia, model ordinances for adoption by local authorities having been prepared by some State health authorities.[11]

Power is in various States specifically granted to the municipal authorities [12] or local health officials [13] to regulate the cleaning of privies and water closets or the disposal of soil, and to municipal authorities to regulate the location of privy vaults [2] or to regulate or prohibit

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[1] Connecticut, Hawaii, New Jersey, New York.
[2] Massachusetts.
[3] North Carolina.
[4] District of Columbia (commissioners' regulation).
[5] Indiana, Nebraska, Ohio.
[6] Arkansas, Idaho, Iowa.
[7] Colorado, Connecticut, Delaware, Michigan, Texas.
[8] New Jersey.
[9] District of Columbia, Illinois, Maryland, Michigan, Minnesota, Montana, Nebraska, North Carolina, North Dakota, Oklahoma, Pennsylvania, Oregon, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin, Wyoming.
[10] Arkansas, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Montana, Oklahoma, Porto Rico, Virginia, Wyoming.
[11] Illinois, Indiana, New York, Pennsylvania.
[12] Alabama, Colorado, Florida, Michigan, Mississippi, New Jersey, Rhode Island, Texas, Utah, Wisconsin.
[13] District of Columbia, Hawaii, Louisiana, Minnesota, Ohio, Pennsylvania, South Carolina.

their construction.[1] In one State,[2] on complaint, the State health officer is to have privies or water closets inspected, with a view to discovering any insanitary condition.

The keeping of a water-closet, privy, or cesspool in an insanitary condition is in some States [3] by law declared a misdemeanor. In other States health authorities are specifically empowered to declare insanitary water-closets or privies public nuisances [4] or to order them disinfected or abandoned.[5] In one State [6] it is provided that no building is to be used as a dwelling in the compact part of any town unless provided with suitable privies maintained in a sanitary condition. In other States the laws specify that the construction of privies will be allowed only on premises where water and sewers are not accessible,[7] and in others the municipal authorities in communities having more than 1,000 inhabitants may prescribe a similar requirement.[8] In several States the construction of privy vaults in the vicinity of wells or cisterns [9] or in the vicinity of any source of domestic water supply [10] is forbidden by law. The use of night soil as a fertilizer except under certain specified conditions is prohibited by law in some States [11] and by regulation in others.[12]

In various States the laws forbid the depositing of uncovered excreta on public or private property,[13] or in the neighborhood of any dwellings or public highway.[14] In many States [15] it is likewise prohibited to deposit excreta in public water or watersheds; in other States the laws forbidding the contamination of water supplies with sewage,[16] or in general terms penalizing their pollution, or enjoining the creation of nuisances would naturally be sufficient to cover and prevent this practice.

SHELLFISH.

The statutory provisions which in all the States bar the sale of diseased or unwholesome food would, if enforced, suffice to prevent the selling of contaminated shellfish. In a few States, however, specific laws have been enacted having for their object the safeguard-

[1] Kansas, Rhode Island.
[2] Florida.
[3] Arizona, New Mexico.
[4] Delaware, Florida, Porto Rico.
[5] Utah.
[6] New Hampshire.
[7] District of Columbia, Ohio.
[8] Massachusetts.
[9] Iowa, Kentucky, Montana.
[10] Utah, Virginia, Wyoming.
[11] Pennsylvania, Vermont, Massachusetts (in vicinity sources water supply).
[12] Arkansas, Maryland.
[13] West Virginia, Wyoming.
[14] Ohio, Oregon.
[15] Kansas, Massachusetts, Minnesota, Montana, New Jersey, North Carolina, Ohio, Oklahoma, Oregon, Utah, Vermont, Virginia, West Virginia, Wyoming.
[16] Connecticut, Maryland, New York, Pennsylvania, Wisconsin.

ing against infection conveyed by oysters and clams. A New York statute provides for the annual sanitary inspection of shellfish grounds by a competent bacteriologist to ascertain the sanitary condition of the grounds and the fitness of the shellfish for use as food. In New Jersey no excremental or other polluting matter, except sewage or drainage, can be discharged into or placed on the banks of any stream used for the planting and cultivation of shellfish. In the same State the State board of health must inspect as often as necessary oyster and clam beds to ascertain their sanitary condition, and may condemn such as are subject to pollution and forbid the sale of shellfish therefrom. In Massachusetts the commissioners of fisheries and game must, on the request of the State board of health, forbid the taking of oysters, clams, quahaugs, and scallops from waters which have been found by the board to be contaminated with sewage or other substances. In Louisiana, the sale of shellfish from polluted or insanitary beds or handled in an insanitary manner is forbidden by regulation of the State board of health, which has also used regulations governing the sanitary conduct of oyster houses.

WATER SUPPLY.

The laws relative to the prevention of water pollution and sewage disposal will be published and analyzed in a separate bulletin.[1]

COMMON DRINKING CUPS.

The use of common drinking cups has been forbidden in a majority of States by law [2] or regulation of the State board of health,[3] it being also prohibited on trains and other public conveyances engaged in interstate traffic by order of the Secretary of the Treasury. The scope of these laws and regulations differs to a great extent, in some States applying only to railroads,[4] schools,[5] theaters and assembly halls,[6] schools and railroads,[7] schools, railroads, and hotels,[8] or to hotels, restaurants, and railroads,[9] while in the others they apply to practically al public places.[10]

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[1] See also index.

[2] Colorado, Connecticut, Hawaii, Illinois, Kentucky, Maryland, Massachusetts, Minnesota, New Hampshire, New Jersey, North Dakota, Ohio, West Virginia, Wisconsin.

[3] Arizona, Arkansas, Idaho, Iowa, Kansas, Louisiana, Michigan, Missouri, Montana, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, Utah, Vermont, Washington.

[4] Nevada, Texas.

[5] Arizona.

[6] Ohio (by aw, by regulation to railroads and public places).

[7] Michigan, Mississippi, New Hampshire, Oklahoma, Oregon, South Carolina, Utah.

[8] Kansas.

[9] Missouri.

[10] See Public Health Bulletin No. 57.

ROLLER TOWELS.

Parallel with the legislation against common drinking cups, laws [1] or regulations of the State board of health [2] have been adopted in a number of States forbidding the use of roller towels in schools,[3] on railroads,[4] in hotels,[5] in schools, railroads, and hotels,[6] in hotels, railroads, and restaurants,[7] in hotels and public buildings,[8] and in practically all public lavatories.[9]

In Nebraska the State board of health is authorized to make rules forbidding the use of common drinking cups, and in Maine to make regulations for guarding against the transmission of disease through common towels, drinking cups, and other articles.

INFECTED ARTICLES.

In the laws and regulations relative to quarantine it is usually provided that no articles are to be removed from quarantined premises. In addition to the provisions requiring the disinfection of premises and contents before the release of quarantine, specific laws forbid in a number of States [10] the transportation, giving away, selling, or exposing, without previous disinfection, of any bedding, clothing, or other objects exposed to infection, or [11] the transportation or having about of such property. In other States, the importation of infected property [12] or of goods suspected of being infected [13] may be forbidden by the health authorities.

In a number of States [14] provisions exist for the seizing and storing of baggage, clothing, or other goods until disinfected, and houses may be occupied [15] or temporary buildings erected [16] to store the goods, and guards employed [17] to watch them; due compensation to be made for the buildings occupied or services demanded,[18] it being usually provided that the owner of the goods is to reimburse the expense originated.[19]

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[1] Colorado, Connecticut, Idaho, Massachusetts, Tennessee, Wisconsin.
[2] Arizona, Arkansas, Indiana, Kansas, Louisiana, Missouri, Montana, Ohio, Pennsylvania, South Carolina, South Dakota, Vermont, Washington.
[3] Arizona, Indiana, Pennsylvania.
[4] Nevada, South Carolina, Washington.
[5] Colorado, Idaho, Tennessee.
[6] Kansas.
[7] Missouri (also public combs and brushes).
[8] Wisconsin.
[9] Arkansas, Connecticut, Louisiana, Massachusetts, Montana, Ohio, South Dakota, Vermont.
[10] Idaho, Maine, Maryland, Nevada, Ohio, Pennsylvania, Utah.
[11] Wyoming.
[12] Texas.
[13] Michigan.
[14] Colorado, Massachusetts, Michigan.
[15] Colorado, Maine, Massachusetts, Michigan Washington.
[16] Delaware.
[17] Colorado, Maine, New Mexico, Rhode Island, Washington.
[18] Colorado, Maine, Massachusetts, Michigan, Washington.
[19] Colorado, Washington.

Permission may be granted by health authorities to transport infected articles within their jurisdiction,[1] or they may make regulations respecting the transportation of articles conveying infection or capable of conveying it.[2] Provision is made in many States [3] for the inspection, disinfection, or retention of suspected baggage or merchandise in traffic, and the same authority is to be inferred in other States whose boards of health have vested in them power to prevent the spread of communicable disease or to enforce quarantine.

Second-hand goods.—In some States [4] the laws provide that no rags or other dangerous material shall be manufactured into articles for personal use unless disinfected; and in others, the importation of such material unless disinfected is forbidden [5] or may be forbidden by the health authorities.[6] In Maryland the use of cast-off clothing for the manufacture of furniture is prohibited, and in California any furniture so manufactured must be labeled to state the fact. In Minnesota the State board of health is authorized to regulate the use of diseased, tainted, or decayed animal or vegetable matter and the manufacture of other articles of commerce other than food. In Florida the use is forbidden in hotels of mattresses made of "shoddy," moss, husks, or sea-grass excelsior. In Pennsylvania a recent law forbids the use of second-hand goods in the manufacture or repair of mattresses unless they are disinfected by a process approved by the State commissioner of health, and absolutely the use of "shoddy" and material used in communicable-disease hospitals or for or about any person with a communicable disease. Similar acts have been adopted in Minnesota and New York, but the labor and not the health authorities are charged with the enforcement. The disinfection of second-hand clothing and other articles before sale is required by the regulations of some State boards of health,[7] and another State board of health [8] has recommended the adoption of a model local ordinance on the subject. In some States [9] it is provided that no second-hand books shall be purchased for use in the schools.

In California a recent law requires the previous sterilization of any soiled or used wearing apparel, bedding, rags, etc., which are used in factories, steamships, industrial establishments, etc., as wiping rags for cleaning purposes, local authorities being empowered to regulate by means of ordinances the laundering, sterilizing, and selling of wiping rags. In North Dakota all second-hand furniture, bedclothes, apparel, or any other articles are required to be disinfected

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[1] Colorado, District of Columbia.
[2] Hawaii, Michigan.
[3] Colorado, Kansas, Kentucky, Maine, Minnesota, New Hampshire, New Jersey, Tennessee, Virginia, Wisconsin, etc.
[4] Colorado, Washington.
[5] Georgia.
[6] Colorado.
[7] Montana, Oklahoma.
[8] Illinois.
[9] Maine, Porto Rico.

before sale in accordance with methods to be prescribed by the State board of health.

School and library books.—Naturally all books found in quarantined premises would have to be disinfected with other articles present. In addition, in the regulations issued by some State boards of health, it has been specifically provided that all books in the sick room are to be disinfected,[1] or all cheap books are to be destroyed rather than disinfected.[2] In the case of school and library books in quarantined premises, the regulations of State boards of health forbid removal unless disinfected,[3] or until the termination of the disease and after disinfection, if not destroyed.[4] Regulations of other States require destruction or disinfection;[5] burning, unless of special value, in which case they may be disinfected;[6] or forbid their being taken into quarantined premises under penalty of destruction.[7] In the regulations of still other States it is provided that library books should not be taken out by quarantined persons and in no case returned by them unless disinfected,[8] or that if belonging to traveling libraries they must be disinfected before being sent from one community to another.[9] In another State [10] the department of health has prepared, for adoption by local boards of health, a model regulation forbidding the taking of school and library books into quarantined premises and requiring, if so taken, either disinfection or destruction. Only one State law [11] has been enacted relative to this subject, and this requires that schoolbooks taken into quarantined premises be not returned until disinfected.

MAIL.

On the assumption that the mails may sometimes be the means of conveying the infection of communicable diseases, provision has been made in a few States with a view to the prevention of such transmission. In the regulations of the State boards of health of Indiana, Iowa, Oklahoma, and Vermont it is specifically stated that no letters shall be mailed from quarantined premises, and in Illinois it is further stated that none shall be sent by the patient, while those by others in the house are to be disinfected.

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[1] Oklahoma.
[2] Iowa.
[3] Connecticut, Georgia.
[4] Indiana.
[5] Oregon.
[6] Pennsylvania.
[7] Idaho (unless of special value), Minnesota, South Dakota, Wisconsin.
[8] Vermont.
[9] Oklahoma.
[10] New York.
[11] Idaho.

MILK AND BREAD TICKETS.

In one State[1] the laws provide that no milk or bread tickets are to be used twice, and in another[2] the regulations of the State board of health require that no tickets are to be taken away from quarantined premises.

MILK.[3]

Milk has long been recognized by sanitarians as one of the most frequent carriers of infection, and in order to insure its harmlessness numerous laws have been enacted and regulations adopted. While all of these must have some influence on the diminution of disease, a number of them have for their specific purpose the prevention of the spread of communicable diseases, and only to these will attention be given here.

Sale of milk from houses where any communicable disease prevails is forbidden in some States by regulation of the State board of health, either absolutely,[4] or unless complete segregation of patient is enforced,[5] and in addition permission is given by the local health officer,[6] or until all danger of contagion has passed and permission is given by the local health officer,[7] this provision having also been embodied into law in some States.[8] In other States[9] the sale of milk from quarantined premises is forbidden by regulation of the State board of health, but if the dairy and farm are situated at a safe distance from the quarantined dwelling and no person, utensil, or water therefrom comes in contact with the dairy products the local health authorities may allow the milk to leave the premises, it being specified that under no conditions milk exposed to infection shall be taken out.

In another State[10] a law provides that whenever a case of communicable disease occurs in the house of a milkman, milk dealer, or distributor, no milk is to be sold or distributed by him until the health authorities designate a person to conduct the business and to see that no communication is maintained with the infected house except under official supervision. In another State[11] a regulation of the State board of health prescribes that until the health authorities give permission no milk can be sold from cows kept on premises where

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[1] New Hampshire.
[2] Indiana.
[3] See also Food establishments.
[4] Arkansas (in cases of scarlet fever and diphtheria), Florida (in case of diphtheria), Montana.
[5] Utah, Wisconsin.
[6] Indiana, Washington.
[7] Illinois, Kentucky, Louisiana, Nebraska, Oklahoma.
[8] Idaho, Utah, Wyoming.
[9] Iowa, Vermont.
[10] California.
[11] North Dakota.

any communicable disease prevails nor handled by or coming in contact with persons who are suffering from or have been exposed to any communicable disease.

In other States the laws authorize the State board of health or any of its officers to prohibit the transportation or sale of milk believed to have been contaminated by "emanations, exhalations, or discharges" of infected persons,[1] or empower local health officers to suspend or revoke the selling license of any dairyman or milk dealer when the milk supply is exposed to infection[2] or stop the sale of milk from infected premises.[3] In another State[4] the regulations of the State health department require that whenever a local health officer ascertains that milk is marketed from premises in which a communicable disease prevails he must report the facts to the county medical inspector, who is to determine whether proper precautions to prevent the transmission of disease have been taken and to see that those handling the milk are kept out of the infected premises; if this is not done the marketing of milk must be discontinued or the live stock transferred to other premises, while in case of smallpox the sale of all milk products must be stopped. In other States[5] the provisions in force are confined to prohibiting the sale of impure milk or of milk produced under insanitary conditions.

Reporting of disease in dairies.—Persons in charge of dairies or dairy farms are required to report cases of communicable disease on their farms to health authorities by law[6] or regulation,[7] in one State[8] a law requiring physicians to do likewise. In another State[8] cases of typhoid fever must be reported immediately to the State board of health, and in another[4] cases of typhoid fever, diphtheria, and scarlet fever must, according to regulations of the State health department, be reported by telegraph or telephone by the local health officer to the county medical inspector who represents the State health authorities. In some of the other States the cases must be reported within 12[1] or 24[9] hours.

While in a few of these States[10] any contagious or infectious disease is contemplated in the provisions of the law or regulations, in others the diseases against which precautions must be taken to prevent their spread through milk are specified to be: Any quarantinable

[1] New Jersey.
[2] District of Columbia.
[3] Ohio.
[4] Pennsylvania.
[5] Colorado, Connecticut, Illinois, Maine, Maryland, Massachusetts, Michigan, Nebraska, New Jersey, New York, North Dakota, Virginia, etc.
[6] Idaho, Ohio.
[7] Illinois, Kentucky, New Jersey.
[8] Wyoming.
[9] Idaho.
[10] Idaho, Illinois, Kentucky, Louisiana, Montana, Nebraska, Ohio.

disease and in addition typhoid fever;[1] any disease requiring quarantine or isolation;[2] smallpox, diphtheria, scarlet fever, cerebrospinal meningitis, and typhoid fever;[3] diphtheria, typhoid fever, dysentery, and tuberculosis;[4] smallpox, diphtheria, scarlet fever, measles, and whooping cough;[5] cholera, plague, leprosy, smallpox, diphtheria, scarlet fever, cerebrospinal meningitis, and poliomyelitis;[6] cholera, smallpox, diphtheria, scarlet fever, cerebrospinal meningitis, measles, typhoid fever, and tuberculosis;[7] cholera, yellow fever, typhus fever, smallpox, varioloid, diphtheria, scarlet fever, and cerebrospinal meningitis;[8] cholera, typhus fever, plague, anthrax, glanders, leprosy, dysentery, trachoma, tetanus, diphtheria, scarlet fever, cerebrospinal meningitis, typhoid fever, and whooping cough;[9] cholera, typhus fever, yellow fever, anthrax, erysipelas, smallpox, diphtheria, scarlet fever, typhoid fever, and tuberculosis;[10] special mention being made of typhoid fever in most of these States.[11]

Employment in dairies.—In diverse laws or regulations it is provided that no person suffering from any dangerous contagious disease is to work or assist in or about any dairy farm,[12] that no person suffering with any reportable disease or residing in a house in which exists a case of smallpox, diphtheria, scarlet fever, or typhoid fever is to work in any dairy unless the local health officer authorizes it,[13] that no person with a communicable disease or recently having come in contact with a patient is to handle milk or milk cans,[14] that no person with diphtheria, scarlet fever, typhoid fever, or tuberculosis is to be employed in or allowed to enter a dairy,[15] that no person with pulmonary tuberculosis or proved to be a chronic typhoid or diphtheria carrier is to be allowed to work at any occupation involving the handling of milk,[2] or that no person who handles or milks cows or in any way comes in contact with milk or milk receptacles is to have communication with any person suffering from any communicable disease.[16] In a number of States laws[17] or regulations[18] of the State

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[1] Indiana, Utah, Wisconsin.
[2] Washington.
[3] Pennsylvania.
[4] Ohio.
[5] North Dakota.
[6] Iowa.
[7] Oklahoma.
[8] Vermont.
[9] California.
[10] District of Columbia.
[11] California, District of Columbia, Illinois, Indiana, Kentucky, Louisiana, Montana, Nebraska, New Jersey, Ohio, Oklahoma, Pennsylvania, Utah, Wisconsin.
[12] District of Columbia, Minnesota.
[13] Arkansas, Texas.
[14] Arizona.
[15] New Jersey.
[16] Arizona, Illinois, Kentucky, Louisiana, Minnesota, Nebraska, Oklahoma.
[17] California, Connecticut, Illinois, Indiana, Missouri, Nebraska. New Hampshire, New Jersey, North Dakota, Rhode Island, Tennessee, Wyoming.
[18] Kansas, Oklahoma.

board of health or the dairy and food commissioner[1] forbid the employment of persons with communicable diseases in any place where food is sold, produced, prepared, stored, distributed, or transported, and these provisions apply also to dairies.

Milk containers.—In various States it is provided that no milk bottles or other containers are to be taken from quarantined premises, unless with permission of the health officer,[2] with his permission and after disinfection of bottles,[3] or until quarantine has been raised and containers have been disinfected.[4] In other States existing provisions require that no milk vessels or containers used or handled by persons with communicable diseases shall be used to hold milk until they have been sterilized and if taken into the house they are to be destroyed.[5] In Arizona, in case of scarlet fever, diphtheria, typhoid fever, or measles becoming epidemic, the leaving of bottles or other milk containers at consumers' houses is required to be discontinued. In some other States[6] the laws require that milk cans and other utensils shall be kept in a sanitary condition, or provide for their being cleaned or sterilized.

FOOD ESTABLISHMENTS.

In recent times considerable legislation has been enacted in this country with a view to preventing the transmission of communicable diseases through improper methods of handling food. Both the Federal and the State pure food acts forbid the sale of any article of food intended for human consumption if any substance mixed with it reduces or injuriously affects its quality.

The observance of sanitary methods in the preparation of food has been the subject of specific statutes in several States, the acts in question applying to any place,[7] establishment or place,[8] establishment, place, car, or vehicle,[9] building, room, basement, or vehicle[10] used for the preparation, manufacture, packing, storage, sale, distribution, or transportation of any food, and to all factories for the preparation of foodstuffs.[11] In most of these States[12] the specific

[1] Ohio.
[2] Idaho, Louisiana, Mississippi, Utah.
[3] California.
[4] Indiana.
[5] Washington, Arizona.
[6] Colorado, Connecticut, Delaware, Indiana, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska Nevada, New Hampshire, New York, Utah, Wisconsin, Wyoming, etc.
[7] Kansas, Michigan, Nevada, Ohio.
[8] Oklahoma.
[9] New Hampshire.
[10] California, Colorado, Illinois, Indiana, Iowa, Minnesota, Missouri, New Jersey, North Dakota, Tennessee, Wyoming.
[11] Connecticut.
[12] California, Colorado, Connecticut, Illinois, Indiana, Iowa, Minnesota Missouri, New Hampshire, New Jersey, North Dakota, Tennessee, Wyoming.

requirements are given in the law, but in others [1] power is given the State food or health authorities to prescribe the sanitary measures which must be observed in food establishments. These laws or regulations are to be enforced by the State and local health authorities in some States,[2] by the food authorities in other States,[3] and by both food and health authorities in still other States.[4] In the District of Columbia, regulations have been issued by the commissioners in the exercise of their general powers. In New York a recent law which requires utensils, dishes, and other containers used in the preparation or serving of food to be previously cleaned in a sanitary manner and forbids the use of insanitary water for this purpose, also requires the State commissioner of health to inspect and supervise all food establishments.

Sanitary measures.—In the laws or regulations of all the above-mentioned States, it is provided that the establishments and utensils used in handling food must be in a clean and sanitary condition, no other requirement being made in a few of these States.[5] In the majority of them, however, it is required that food establishments shall be properly lighted, drained, plumbed, ventilated, and conducted with strict regard to the purity of the food [6] and health of the employees.[7] Other specified requirements are that walls, ceilings, and floors must be plastered, wainscoted, painted, or limewashed,[8] or properly constructed,[9] the floors impermeable,[10] doors, windows, and other openings screened during the fly season,[11] or if practicable,[12] and food and food products properly protected from flies, dust, dirt, etc.[13] The use of workrooms for sleeping purposes is forbidden,[14] as is also the employment of persons with communicable disease,[15] with any contagious, infectious, or venereal disease,[16] with tuberculosis,

[1] Kansas, Louisiana, Nevada, Ohio.

[2] California, Indiana, Kansas, Louisiana, New Hampshire, New Jersey, Oklahoma.

[3] Colorado, Connecticut, Illinois, Iowa, Minnesota, Nebraska, North Dakota, Ohio, Nevada, Wyoming.

[4] Missouri, Tennessee.

[5] Michigan, Nevada.

[6] New Jersey.

[7] California, Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Tennessee, Wyoming.

[8] California, Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, New Hampshire, New Jersey, North Dakota, Ohio, Oklahoma, Tennessee, Wyoming.

[9] New Hampshire.

[10] California, Illinois, Indiana, Kansas, Missouri, Nebraska, New Hampshire, New Jersey, North Dakota, Ohio, Oklahoma, Tennessee.

[11] Colorado, District of Columbia, Indiana, Iowa, Kansas, Missouri, Nebraska, New Hampshire, North Dakota, Oklahoma, Tennessee, Wyoming.

[12] California.

[13] California, Colorado, Indiana, Iowa, Kansas, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, North Dakota, Ohio, Oklahoma, Tennessee, Wyoming.

[14] California, Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, North Dakota, Ohio, Oklahoma, Tennessee, Texas, Wyoming.

[15] Mississippi, New Hampshire, New Jersey.

[16] Arkansas, California, Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Tennessee, Wyoming.

venereal, or scrofulous disease, or communicable skin affection,[1] with tuberculosis or being a chronic typhoid or diphtheria carrier,[2] or even residing in a house where smallpox, scarlet fever, diphtheria, or typhoid fever prevails.[3]

In most of these States, it is provided that toilet rooms [4] and lavatories [5] must not be within the workrooms, although in one State,[6] it is required that the lavatory must be in the place of work itself. Adequate toilet rooms kept in a sanitary condition are in a number of States required to be provided,[7] and also lavatories supplied with soap, running water, and towels.[7] In most of these States,[7] employees must wash their hands before beginning work and after visiting the toilet room and wear clean clothing. Chewing and smoking inside the establishment are forbidden,[8] as are also promiscuous expectoration and spitting,[7] except in cuspidors, which must be washed out and disinfected daily.[7] Any establishment conducted in violation of the law is in some laws [9] declared a nuisance and the person responsible for its management guilty of a misdemeanor, special penalties being in the other States provided for violation of the acts.

In addition to the provisions in the above-mentioned States requiring that food in the processes of manufacture, preparation, packing, storing, selling, distribution, and transportation shall be properly protected from flies, dust, and dirt, specific provision has been made in some States by either law [10] or regulation [11] for the like protection of food displayed for sale unless it is to be cooked, peeled, or pared before consumption.

The power of municipal authorities to regulate the sale and manner of selling food is recognized in practically all States [12] by specific statutes. In Alabama county boards of health may, subject to the approval of the State board of health, prescribe rules for the inspection of groceries, markets, restaurants, lunch stands, etc., but these inspections can only be made after obtaining the consent in writing

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[1] Connecticut.

[2] Washington.

[3] Texas.

[4] California, Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, New Hampshire, New Jersey, North Dakota, Ohio, Oklahoma, Porto Rico, Tennessee.

[5] California, Connecticut, Illinois, Indiana, Kansas, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, North Dakota, Ohio, Oklahoma, Tennessee.

[6] Louisiana.

[7] California, Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, New Hampshire, New Jersey, North Dakota, Ohio, Oklahoma, Tennessee, Wyoming.

[8] Ohio.

[9] California, Illinois.

[10] Iowa, Missouri, and also Pennsylvania (if required by factory inspector).

[11] Arkansas, District of Columbia, Indiana, Kansas, Louisiana, Mississippi, New Hampshire, New Jersey, Oklahoma, South Dakota, Wyoming.

[12] Alabama, Arizona, Colorado, Illinois, Indiana, Kentucky, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, Texas, Utah, Wisconsin, etc.

of the proprietor or manager, no penalty or standards of inspection being provided in the act.

In a number of the States mentioned above and in other States special laws or regulations have been enacted for the sanitation of certain kinds of establishments in which food products are handled.

BAKERIES.

Provisions relating only to bakeries exist in some States,[1] to bakeries and confectioneries in others,[2] and to bakeries, confectioneries, and ice-cream parlors in others.[3] While in most of these States these provisions are embodied in laws, in some of them [4] they have the form of regulations issued by the health authorities. The requirements in question are to be enforced by the State factory inspectors in some States,[5] by the State labor authorities in others,[6] by the State and local boards of health in others,[7] and by both health and labor authorities in others.[8] In Colorado the provisions governing factory sanitation apply also to bakeries. In New York sanitary certificates from the State Department of labor are made a requisite to the establishment or operation of bakeries.

The measures prescribed in the several States are as follows: Proper ventilation;[9] proper draining, plumbing, and ventilation;[10] maintenance of establishment and furniture and utensils in a clean and sanitary condition;[11] construction of ceilings at a minimum height of 8 feet,[12] unless located in a basement [13] or unless the room is used for making candy, ice cream, or frozen fruits, when it shall be 7 feet high,[14] or a minimum height of 8 feet 6 inches;[15] forbidding the use of basements or cellars for bakeries at all,[16] or unless authorized by the commissioner of labor,[14] or in use before the passage of the law;[17] impermeable floors, if required by the local board of health [18] or the commissioner of labor;[14] painting or lime washing of walls once a year,[19] twice a year

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[1] Arkansas, Kansas, Massachusetts, New York, Oklahoma, Pennsylvania, Washington.
[2] Louisiana, Minnesota, Mississippi, Montana, Wisconsin.
[3] Connecticut, New Jersey, Rhode Island.
[4] Arkansas, Kansas, Louisiana, Mississippi, Montana.
[5] Colorado, Connecticut, Pennsylvania, Rhode Island.
[6] Minnesota, New Jersey, New York, Washington.
[7] Arkansas, Kansas, Louisiana, Massachusetts, Oklahoma.
[8] Wisconsin.
[9] Oklahoma.
[10] Arkansas, Connecticut, Louisiana, Massachusetts, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Washington, Wisconsin.
[11] Arkansas, Connecticut, Louisiana, Massachusetts, Minnesota, Mississippi, Missouri, New Jersey, New York, Oklahoma, Pennsylvania, Rhode Island, Washington, Wisconsin.
[12] Connecticut, Ohio, Oklahoma.
[13] New York.
[14] New Jersey.
[15] Arkansas, Louisiana.
[16] Louisiana, Missouri, Oklahoma, Rhode Island.
[17] Connecticut, New Jersey New York, Ohio Pennsylvania, Washington.
[18] Massachusetts, Wisconsin.
[19] Missouri.

unless required oftener by the factory inspector,[1] and every three months[2] if required by the commissioner of labor[3] or the factory inspector,[4] or the local board of health;[5] properly plastered or wainscoted or painted walls;[6] screening of doors, windows, and other openings;[7] exclusion of rats and vermin[8] and also all matter of an infectious or contagious character;[9] protection of bread and other products against flies, dirt, etc.;[10] wrapping of bread in paper,[11] establishment of sanitary water-closets separate from bakery,[12] and of washrooms separate from bakery[13] or inside of the bakery;[14] washing of employees' hands before beginning work[14] and both before beginning work and after visiting toilet;[15] forbidding smoking, chewing, etc.,[16] and expectorating[16] except in cuspidors, which are to be provided by the management;[17] exclusion of all domestic animals,[18] or of all domestic animals except cats;[19] forbidding sleeping in workrooms;[20] use of clean garments by employees;[21] and forbidding employment of any person with any contagious or infectious or venereal disease,[22] or with tuberculosis, venereal, or scrofulous disease or other communicable skin affection,[23] or with a contagious or loathsome disease,[24] or wearing filthy clothing or residing in a house where any communicable disease exists.[25] In some States baking establishments are to be inspected once a year,[26] or twice a year,[27] other States having no specific provision to this effect. Insanitary bakeries may be closed in two States,[28] special penalties for violations of the law being provided in the other States.

In a number of States,[29] bakeries and confectioneries, and in others[30] bakeries, confectioneries, and ice-cream parlors are specifically men-

[1] Pennsylvania.
[2] Minnesota.
[3] New York, Washington.
[4] Connecticut, Ohio, Oklahoma.
[5] Massachusetts.
[6] Arkansas, Louisiana, Massachusetts, Mississippi, Missouri, New Jersey, Ohio, Pennsylvania, Washington.
[7] Arkansas, Kansas, Louisiana, Mississippi, New Jersey.
[8] Arkansas, Louisiana, Minnesota, Mississippi, New Jersey, New York, Wisconsin.
[9] Louisiana, New Jersey.
[10] Arkansas, Mississippi, New Jersey, Wisconsin.
[11] Arkansas, Mississippi, New Hampshire, Vermont, Wyoming.
[12] Arkansas, Connecticut, Louisiana, Massachusetts, Minnesota, Mississippi, Missouri, New Jersey, New York, Oklahoma, Pennsylvania, Rhode Island, Washington, Wisconsin.
[13] Connecticut, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Washington, Wisconsin.
[14] Arkansas, Louisiana.
[15] Kansas, New Jersey, Rhode Island.
[16] Arkansas, Kansas, Louisiana, Mississippi, New Jersey, Oklahoma, Rhode Island.
[17] Kansas, Louisiana, Mississippi, Oklahoma.
[18] Arkansas, Kansas, Louisiana, Mississippi, Pennsylvania.
[19] New Jersey, New York, Rhode Island.
[20] Arkansas, Connecticut, Kansas, Louisiana, Massachusetts, Minnesota, Mississippi, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Washington, Wisconsin.
[21] Arkansas, Louisiana, Mississippi, New Jersey, Wisconsin.
[22] Arkansas, Mississippi, Rhode Island.
[23] Connecticut, Missouri, New Jersey, New York, Oklahoma, Pennsylvania, Washington.
[24] Kansas, Wisconsin.
[25] Wisconsin.
[26] Arkansas (at least), Missouri.
[27] Rhode Island.
[28] New York, Rhode Island.
[29] California, Colorado, Illinois, Indiana, Iowa, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, North Dakota, Oklahoma, Tennessee, Wyoming.
[30] Michigan, Nevada, Ohio.

tioned in the laws among the establishments to which the provisions for the maintenance of sanitary conditions in food establishments are to apply. In another State [1] the department of factory inspection is to inspect bakeries annually, to see that they are properly ventilated and no roller towels used, and that the water closets are kept in a sanitary condition; while in Hawaii no license for the opening of a bakery is to be granted until the Territorial board of health certifies that the place is sanitary and suitable for the purpose.

SLAUGHTERHOUSES, ETC.

Among the establishments governed by the laws providing sanitary standards for the operation of places in which food of any kind is handled, specific mention of slaughterhouses is made in some States [2] and of slaughterhouses and meat shops in others.[3] In practically all States [4] municipal authorities are empowered to regulate slaughterhouses, specific power being granted in many of them to restrict their location. In various States it is provided that they shall not be located near a public park or hospital,[5] near any inhabited dwelling,[6] near a dwelling or school,[7] near any school, hospital, or State charitable or reformatory institution,[8] near any dwelling or business place or upon the banks of any stream or body of water,[9] within 3 miles of the center of the town,[10] or in any place objectionable to the health authorities.[11]

Slaughtering, packing, meat canning, salting, rendering, and similar establishments, the products of which enter into interstate or foreign commerce, are subject to inspection by the United States Department of Agriculture, and elaborate regulations for the sanitation of such establishments have been issued by that department under the authority conferred by act of Congress approved June 30, 1906 (34 U. S. Stat., 674).

Both the Federal and State food laws forbid the sale of any food consisting in whole or part "of a filthy, decomposed, or putrid animal * * * or any portion of an animal unfit for food, whether manufactured or not, if the product of a diseased animal * * *."

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[1] Colorado.
[2] Nevada, Ohio.
[3] California, Colorado, Illinois, Indiana, Iowa, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Jersey, North Dakota, Tennessee, Wyoming.
[4] Alabama, Arizona, California, Colorado, Connecticut, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, Pennsylvania, Rhode Island, South Dakota, Texas, Utah, Vermont, Washington, Wisconsin, Wyoming.
[5] Rhode Island.
[6] Porto Rico, Vermont (except by permission, health authorities).
[7] New Hampshire.
[8] Kansas.
[9] Washington, Wisconsin, Wyoming.
[10] New Mexico.
[11] Connecticut, Hawaii.

Special provisions in a number of States [1] also forbid the killing for sale of any animal diseased or with a communicable disease. In addition, specific sanitary requirements to be observed in establishments handling meat have been prescribed in various States either by law,[2] regulation,[3] or by both law and regulation,[4] special powers for the making of such regulations being vested in some States in the State board of health,[5] the local health authorities,[6] or the State live stock commission.[7]

Among the sanitary requirements of these laws or regulations may be mentioned the following: Keeping of the establishment in a clean and sanitary condition;[8] cleaning, and if not painted, whitewashing of the walls once a month;[9] impermeable floors;[10] washing of floors once a day;[11] whitewashing of walls and ceilings frequently,[12] or twice a year,[13] or once a year and oftener if required by the authorities;[14] screening of doors and windows;[15] protection of meat and meat products against flies and other vermin;[16] an abundant supply of water,[17] which must be uncontaminated;[18] provision for toilet rooms and lavatories separate from workroom,[19] although in one State[20] it is provided that the latter shall be in the same place where the meat is handled; cleaning of employees' hands before and after handling carcasses,[21] and disinfection if diseased carcasses are handled;[22] wearing of clean garments by employees;[23] installation of cuspidors;[24] and forbidding the employment of persons with any communicable disease[25] or with tuberculosis or any other communicable disease.[26] Provision is made in some States[27] for the inspection of establish-

[1] Idaho, Illinois, Connecticut, Indiana, Kansas, Louisiana, Maryland, Massachusetts, Mississippi, North Dakota, Pennsylvania, South Carolina, Utah, Vermont, Wisconsin, etc.
[2] Connecticut, Iowa, Massachusetts, Michigan, New Jersey, Pennsylvania, Porto Rico, Utah, Wisconsin.
[3] Louisiana, Oklahoma, Oregon, Mississippi, South Dakota.
[4] Idaho, Kansas, Minnesota.
[5] New Jersey, Porto Rico, Vermont, Wisconsin.
[6] Connecticut.
[7] Pennsylvania.
[8] Arkansas, District of Columbia, Idaho, Iowa, Kansas, Louisiana, Minnesota, Mississippi, New Jersey, Oklahoma, Oregon, Pennsylvania, Porto Rico, South Dakota, Wyoming.
[9] Michigan, Minnesota.
[10] Iowa, Minnesota, Oklahoma, Oregon, Porto Rico, Wyoming.
[11] Arkansas, Idaho, Louisiana, Michigan, Minnesota, Utah.
[12] Arkansas, Idaho, Iowa.
[13] Oklahoma.
[14] Mississippi, Utah.
[15] Arkansas, Iowa, Kansas, Louisiana, Mississippi, Oklahoma.
[16] Arkansas, District of Columbia, Idaho, Indiana, Kansas, Louisiana, Minnesota, Mississippi, Oklahoma, Porto Rico, Utah, and Oregon (if exposed outdoors).
[17] Idaho, Louisiana, Michigan, Minnesota, Oklahoma, Porto Rico, Wyoming.
[18] Arkansas, Idaho, Iowa, Louisiana, Minnesota, Oklahoma, Oregon, Porto Rico, Utah.
[19] Arkansas, Idaho, Mississippi.
[20] Louisiana.
[21] Idaho, Iowa, Utah, Wyoming.
[22] Idaho.
[23] Idaho, Porto Rico, Utah, Wyoming.
[24] Idaho, Iowa, Louisiana, Utah, Wyoming.
[25] Louisiana, Mississippi, Porto Rico.
[26] Idaho, New Jersey, Utah.
[27] Arizona, Arkansas, Idaho, South Dakota, Wisconsin.

ments at least once a year, and in other States[1] whenever slaughtering takes place. In some States[2] specific authority is given the State board of health to inspect such establishments, in one of these States[3] local health authorities being required to maintain supervision over them. Practically all the above-mentioned requirements are also embodied in the regulations issued by the United States Department of Agriculture.

Insanitary slaughterhouses are in several States[4] declared nuisances and subject to abatement as such. Licenses are required in various States,[5] in Hawaii it being provided that no license is to be issued until the Territorial board of health certifies that the place is sanitary and suitable for the purpose.

Canneries, etc.—In a number of States[6] canneries and packing houses are specifically mentioned among the places handling food which must observe the sanitary provisions prescribed for all food establishments; in other States[7] the provisions relative to slaughtershops apply also to them. In Minnesota only has any sanitary legislation been enacted exclusively for canneries, this law providing that insanitary conditions in canneries must be remedied when required by the State dairy and food commissioner, and directing that annual inspections be made of the establishments. In various States[8] municipal authorities are specifically empowered to regulate canneries.

Poi shops.—Poi, a dish made out of the taro root, being an article of universal use in Hawaii, a law was enacted there in 1911 requiring a license for the operation of establishments manufacturing the product, and prescribing a number of sanitary requirements which have to be observed before a license is granted.

HOTELS, RESTAURANTS, ETC.

In 15 States[9] the laws governing the sanitation of food establishments apply also to hotels and restaurants, specific mention being made of them. In 19 other States[10] the sanitary features of hotels have been made the subject of special laws. Power to enact regulations for this purpose has been specifically conferred on the State

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[1] Massachusetts, Minnesota, Pennsylvania, Porto Rico, etc.

[2] Alabama, Texas, Wisconsin.

[3] Alabama.

[4] Delaware, Florida, Maine, Oklahoma, Oregon.

[5] Connecticut, Hawaii, Idaho, Massachusetts, Louisiana, Minnesota, New Jersey, Oklahoma, Pennsylvania, Porto Rico, Vermont.

[6] California, Colorado, Illinois, Indiana, Iowa, Minnesota, Missouri, Nebraska, Nevada, New Jersey, North Dakota, Ohio, Tennessee, Wyoming.

[7] Massachusetts, Pennsylvania, Utah.

[8] Nevada, Utah.

[9] California, Colorado, Illinois, Indiana, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Ohio, Tennessee, Wyoming.

[10] Alabama, Florida, Georgia, Idaho, Illinois, Kansas, Michigan, Minnesota, Mississippi, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Utah, Virginia, Washington, West Virginia, Wisconsin.

board of health in various States,[1] and in one [2] on the State board of health and State food and drug inspector, acting jointly. In the use of this power or of the general power vested in health authorities such regulations have been enacted in at least ten States.[3] Periodical inspection of hotels are provided in the laws as follows: From time to time,[4] at least twice a year,[5] at least once a year,[6] once a year,[7] and only at the request of local authorities,[8] the owner,[9] or on complaint.[10] In some States [11] the laws relative to factory inspection apply also to hotels.

The inspections are in charge of the health authorities in some States,[12] in others [13] the food authorities, in others [14] the engineer member of the State board of health, in others [15] special hotel inspectors, and in others [16] the factory inspector; no mention of the officials to enforce the law being made in some States.[17] In West Virginia the law does not apply to hotels charging $1.50 or less a day, to hotels having less than 10 bedrooms, and to "summer hotels."

Among the sanitary features mentioned in the laws or regulations are the following: Furnishing of fresh bed linen [18] and individual towels;[19] screening of kitchens, dining rooms, and pantries,[20] all rooms,[21] beds,[21a] and cisterns and tanks;[22] providing of sufficient ventilation;[23] sanitary toilet rooms;[24] no communication between kitchen and toilet rooms;[25] proper disposal of garbage;[26] extermination of vermin and bedbugs [27]

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[1] Florida, Hawaii, Illinois, Kansas, Minnesota (apparently), Oklahoma, Porto Rico, South Carolina, Vermont, Virginia, West Virginia, Wisconsin.

[2] Tennessee.

[3] Arkansas, Kansas, Louisiana, Minnesota, Mississippi, Montana, Oklahoma, South Carolina, Tennessee, Washington.

[4] Illinois, Wisconsin.

[5] Oklahoma.

[6] Arkansas, Florida, Minnesota, Montana, North Dakota, South Dakota, Tennessee, Utah.

[7] Arizona, Colorado, Idaho, Iowa, Minnesota, Virginia, West Virginia.

[8] Florida, Rhode Island. [9] Rhode Island. [10] Florida.

[11] California, Colorado, Michigan, Minnesota, Vermont.

[12] Arizona, Arkansas, Florida, Illinois, Oklahoma, Rhode Island, South Carolina, Louisiana, Virginia, Wisconsin.

[13] Idaho, South Dakota, Tennessee, Utah.

[14] Iowa.

[15] Florida, Kansas, Michigan, Minnesota, Nebraska, Washington, West Virginia.

[16] Colorado. [17] Alabama, Georgia.

[18] Alabama, Arkansas, Florida, Idaho, Illinois, Iowa, Kansas, Minnesota, Mississippi, Nebraska, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Utah, Virginia, Washington, West Virginia.

[19] Alabama, Arkansas, Colorado, Florida, Idaho, Illinois, Iowa, Kansas, Michigan, Minnesota, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, Wisconsin.

[20] Alabama, Florida, Idaho, Louisiana, Minnesota, Mississippi, South Dakota, Washington.

[21] Arkansas, Idaho, Kansas, South Carolina, Tennessee. [21a] Florida. [22] Virginia.

[23] Arkansas, Colorado, Florida, Idaho, Louisiana, Michigan, Nebraska, North Dakota, South Carolina, South Dakota, Utah, Vermont, Washington, West Virginia.

[24] Alabama, Arkansas, Colorado, Florida, Idaho, Illinois, Iowa, Kansas, Louisiana, Michigan, Mississippi, Nebraska, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington.

[25] Minnesota, Washington.

[26] Arkansas, Louisiana, South Carolina, Washington.

[27] Florida, Idaho, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Utah, West Virginia.

and rodents;[1] furnishing of pure water;[2] thorough cleansing of all eating utensils;[2a] forbidding use of rusty[2b] or unclean or insanitary kitchen or eating utensils;[2c] or to serve food previously served to other persons;[2d] forbidding the use of common drinking cups;[3] forbidding promiscuous expectoration;[4] forbidding dry sweeping;[5] periodical disinfection of sleeping rooms[6] and of bedding and bed linen,[7] and immediate disinfection of rooms occupied by persons with communicable diseases.[8] In one State[9] the admission of persons with such diseases is forbidden, while in the laws of various States[10] special stress is put on the duty of hotel keepers to report cases of communicable disease occurring on their premises. Licenses from local health authorities for the operation of hotels are required in some States,[11] in Hawaii it being specified that no license is to be granted until the territorial board of health certifies that the place is sanitary and suitable for the purpose. In the States mentioned in note 9, page 119, the sanitary features prescribed for all food establishments are naturally also required of hotels and restaurants.

RAILROAD SANITATION.

The power of health authorities to establish quarantine and prevent the spread of communicable diseases naturally carries with it the authority to supervise the agencies through which disease may be brought into or disseminated within their jurisdiction. Specific authority to prevent the importation of contagious diseases and their diffusion by means of traffic has been in many States given to the State board of health. These laws empower them to establish systems of inspection of travelers, baggage, and freight, and to detain and disinfect trains, passengers, and merchandise;[12] to prescribe quarantine rules as to passenger and freight traffic;[13] to make sanitary inspections of all persons and chattels in transportation through the State, as well as the cars, boats, and other vehicles used, and to detain and disinfect them as may be necessary;[14] to impose on them such restriction as to inspection and sanitation as may be necessary;[15] to inforce rules for restriction on traveling of persons with communi-

[1] Louisiana. [2] Idaho, Louisiana, Mississippi, South Carolina, Virginia.
[2a] Pennsylvania. [2b] North Dakota. [2c] South Dakota. [2d] Wyoming.
[3] Arkansas, Colorado, Connecticut, Hawaii, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Missouri, Mississippi, Montana, New Jersey, South Dakota, Washington, Wisconsin.
[4] Arkansas, Connecticut, Hawaii, Louisiana, Mississippi, Tennessee, Wisconsin.
[5] Wisconsin. [6] Kansas, Louisiana, Tennessee, Virginia. [7] Florida, Oklahoma, South Dakota.
[8] Idaho, Illinois, North Dakota, Pennsylvania, Tennessee, Virginia, Washington, West Virginia.
[9] Wisconsin.
[10] Arizona, Connecticut, Hawaii, Louisiana, Maryland, Michigan, New York, North Dakota, Texas, Utah, Wisconsin.
[11] Louisiana, South Carolina.
[12] Colorado, Florida, Kansas, Kentucky, Maine, Michigan, Minnesota, New Mexico, Oregon, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming, and also Connecticut, in case of cholera and yellow fever, and Arizona (by rules, State board of health).
[13] Mississippi. [14] New Jersey. [15] Florida, South Carolina, Virginia.

cable diseases, and disinfection of conveyances in which they may have traveled,[1] or recognizing in State and local health authorities the right to impose quarantine on vessels, trains, and other conveyances.[2]

In other States it is provided that whenever quarantine is declared all trains, steamboats, and other conveyances must submit to regulations made by any board of health or health officer,[3] or comply with the regulations of the State board of health.[4] While local health authorities are empowered in many States to establish interstate and intrastate quarantine, in various States their powers in regard to traffic are limited by declarations that during State or local quarantine the supervision of all affected trains, steamboats, etc., is vested in the State board of health,[5] or express prohibition to close highways, interrupt travel, or stop conveyances, except by permission of the State board of health.[6] Penalties for the violation of these provisions are generally prescribed, and in one State [5] for refusing to let quarantine officers ride in public conveyances.

The above provisions refer primarily to emergency conditions and are evidently intended only for use when the introduction of communicable diseases is threatening. In a number of these and other States legislation has been enacted conferring authority on the State board of health even when epidemics are not impending: To make rules for railroad cars and trains;[7] to regulate the transportation of persons and freight;[8] to prescribe rules for the sanitation of railroad depots, passenger cars, and contiguous territory, and directing local health officials to exercise supervision over the sanitary conduct of railroad trains and stations;[5] to make rules for the thorough sanitation and disinfection of all passenger cars, sleeping cars, steamboats, and other vehicles of transportation,[9] for the sanitation of railways and other common carriers,[10] or to govern disinfection and sanitation of railroad depots and cars.[11] Comprehensive rules in regard to the sanitation of trains have been issued in only a few States,[12] and only in one or two [13] has any specific legislation in regard to this subject been enacted, although in a great many States laws have been adopted forbidding certain specific insanitary practices, such as promiscuous expectoration and use of common drinking cups.

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[1] Montana.
[2] Ohio and Oregon and Georgia (by rules, State board of health).
[3] Delaware, New Hampshire, and Ohio, and Georgia (by rules, State board of health).
[4] Indiana, Ohio, Oregon, Rhode Island, and (by rules, State board of health) Kentucky.
[5] Alabama.
[6] Ohio and Oregon and (by rules, State board of health) Georgia.
[7] New Mexico, Porto Rico.
[8] Louisiana.
[9] Florida, South Carolina, Virginia.
[10] Maine.
[11] Mississippi, Utah.
[12] Arkansas, Florida, Indiana, Kentucky, Louisiana, Mississippi, Montana, South Carolina, Oklahoma, Virginia, Washington, West Virginia.
[13] Michigan, Texas.

Expectoration.—Promiscuous expectoration by persons occupying trains is forbidden by law in 20 States,[1] in 2 others, if cuspidors are provided,[2] and by regulation of the State board of health in 11 others.[3] These provisions apply to all public conveyances,[4] to all railway cars,[5] to all railway cars with the exception of smoking cars unless cuspidors are provided in the latter,[6] to all street cars,[7] to steamboats,[8] to ferryboats,[9] and to railway depots or stations.[10] Cuspidors are required to be installed by law in some States,[11] and by regulation of the State board of health in others.[12] In one State [13] the State board of health recommends that pocket paper cups be distributed by the railroad companies. When cuspidors are provided, cleaning and disinfection are to be made as follows: Daily,[14] after each trip or every 24 hours,[15] on arriving at division terminals,[16] and as required by the health authorities.[17]

Cleaning and disinfection.—In a number of States, either the laws [18] or the regulations of the State board of health [19] require that public conveyances be kept in a clean and sanitary condition, the same provision being made in some States [20] in the case of railway depots or stations.

Proper attention to heating and ventilation of trains is required in some States [21] and of railway stations in other States.[22] All passenger cars are to be cleaned and disinfected at least once a month in some

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[1] California, Connecticut, Delaware, Hawaii, Kansas, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Missouri, New Hampshire, New Jersey, New Mexico, Pennsylvania, Rhode Island, Tennessee Texas, Virginia, Wisconsin.

[2] Michigan, Vermont.

[3] Arkansas, District of Columbia, Florida, Indiana, Kentucky, Louisiana, Mississippi, Montana, Oklahoma, Oregon, South Carolina, Virginia, West Virginia.

[4] Arkansas, California, Connecticut, Delaware, District of Columbia, Kansas, Kentucky, Maine, New Mexico, Pennsylvania, Rhode Island, South Carolina, Virginia, Washington.

[5] California, Delaware, District of Columbia, Florida, Hawaii, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, New Mexico, Oklahoma, Oregon, Pennsylvania, Tennessee, Texas, Vermont, Virginia, West Virgina, Wisconsin.

[6] Maine, Maryland, Massachusetts, New Hampshire, New Jersey.

[7] Arkansas, California, Connecticut, District of Columbia, Florida, Hawaii, Kansas, Louisiana, Maine, Massachusetts, Michigan, New Hampshire, New Mexico, New Jersey, Oklahoma, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin.

[8] Arkansas, California, Florida, Maine, Massachusetts, South Carolina, Virginia, West Virginia.

[9] Arkansas, California, Maine, Massachusetts.

[10] Arkansas, Connecticut, Florida, Indiana, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Mississippi, Missouri, Montana, New Hampshire, Oklahoma, Pennsylvania, South Carolina, Texas, Vermont, Washington, Wisconsin.

[11] Hawaii, Kansas, Louisiana, Missouri, Tennessee, Texas, Virginia, Wisconsin.

[12] Arkansas, Florida, Kentucky, Louisiana, Mississippi, Montana, Oklahoma, South Carolina, Virginia, Washington, West Virginia.

[13] Indiana.

[14] Arkansas, Florida, Pennsylvania, West Virginia, Wisconsin.

[15] Kentucky, Louisiana, Mississippi, Oklahoma, South Carolina, Texas, Virginia.

[16] Montana.

[17] Hawaii, Tennessee, Wisconsin.

[18] District of Columbia.

[19] Arkansas, Florida, Montana, Virginia.

[20] Arkansas, Minnesota, Nebraska, Virginia.

[21] Arkansas, Indiana, Louisiana, Michigan, Nebraska, Oklahoma.

[22] South Carolina, Texas.

States,[1] a law of another State [2] requiring cleaning and disinfection every day if necessary. Day coaches are to be cleaned after each trip in various States,[3] and in others not less than every 3 days [4] or every 2 days,[5] it being provided in one State [6] that they are to be swept at least once between division terminal points.

Disinfection of day coaches is to be practiced at least every 10 days,[4] every 3 months,[7] every 90 days,[8] and whenever necessary.[9] In the case of sleeping cars provision is made for their thorough cleaning and airing at the end of each trip,[10] cleaning and disinfection every week,[11] or twice a week,[12] and for their thorough sterilization at least once each trip,[13] or disinfection at the end of each run,[14] or at the end of each third round trip if not leaving the State, and at periods varying from 3 to 8 days if leaving it,[9] or fumigation at least every 2 months.[15] In some States [16] a record of the date of disinfection or cleaning is required to be kept. Washing and scrubbing of street cars every 24 hours are required in several States,[17] and in others cleaning of railway depots every 24 hours,[12] or at least once a week.[18]

In the cleaning of cars, the following precautions are to be observed: Sprinkling of floors before sweeping with germicidal solution [19] or dust preventive [20]; scrubbing or cleaning of interior surfaces with approved disinfectant,[21] at intervals of not more than 10 days;[4] thorough washing of seat arms, doors, windows, etc.;[22] removal and airing, if possible, of rugs, mattresses, upholstered seats, etc.[23] Dry dusting or sweeping is absolutely prohibited in several States,[24] and in others [25] while trains are in transit or occupied by passengers; brushing of passengers' clothes being likewise forbidden in various States.[26]

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[1] Michigan, North Dakota, Virginia.
[2] North Carolina.
[3] Indiana, Kentucky, Louisiana, Montana, Oklahoma, South Carolina, Texas.
[4] Kentucky.
[5] Arkansas, Indiana, Louisiana, Oklahoma, South Carolina, Texas.
[6] Montana.
[7] Louisiana.
[8] Indiana.
[9] Mississippi.
[10] Arkansas, Florida, Mississippi, Montana, North Dakota, Washington.
[11] South Carolina.
[12] Texas.
[13] Florida.
[14] Louisiana (never longer than 7 days).
[15] Montana, North Dakota, Washington.
[16] Arkansas, Louisiana, Michigan, Oklahoma, South Carolina, Texas.
[17] South Carolina, Texas.
[18] Virginia.
[19] Florida, Louisiana, Oklahoma, South Carolina, Texas, West Virginia.
[20] Arkansas, Montana, Virginia.
[21] Indiana, Kentucky, Montana, Oklahoma, South Carolina.
[22] Arkansas, Indiana, Louisiana, Oklahoma, South Carolina, Texas, Virginia.
[23] Arkansas, Indiana, Kentucky, Louisiana, Montana, North Dakota, Washington.
[24] Arkansas, Mississippi, North Dakota, South Carolina, Texas, Washington, Wisconsin.
[25] Florida, Kansas, Kentucky, Montana, Virginia.
[26] Kentucky, Louisiana, South Carolina.

In most of these States it is provided that blankets, bedding, etc., are to be disinfected at the same time as the car, but in a few States it is provided that blankets are to be thoroughly sterilized at least once each trip,[1] or sterilized and washed at least every 90 days,[2] or that blankets, curtains, and hangings are to be disinfected at least every 10 days.[3]

Food boxes, refrigerators, closets, etc., must be cleansed, scalded, or disinfected at cleaning terminals in several States,[4] as often as necessary in others,[5] and every two weeks in winter and every week the rest of the year in others.[6] Water containers are to be emptied and thoroughly cleaned at least every 24 hours in some States,[7] every 48 hours in others,[1] at least once a week,[8] at the end of each trip in others,[9] and at division terminals in others.[10] A provision for pure water is required in some States,[11] and when a water-borne disease develops no water from the infected locality is to be used without the approval of the State board of health.[12] The ice used is required to be washed and handled with tongs in some States [13] before placing in cooler, and in one State [14] kept separate from the water. Common drinking cups are forbidden in many States [15] although in one State [16] it is specifically required that "a cup or drinking utensil be kept attached upon or near the water receptacle," and roller towels in a few.[17] Express prohibition is contained in various regulations [18] against using wash basins for cleaning teeth or expectorating. Toilet rooms are to be cleaned and disinfected after each trip,[19] daily,[14] at cleaning terminals,[20] or as often as necessary.[21] In one State [22] it is provided that aseptic closets and urinals approved by the State board of health must be installed on trains and in vessels, and in other States,[23] when

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[1] Florida.
[2] South Carolina, Texas.
[3] Kentucky.
[4] Arkansas, Louisiana, Texas.
[5] Montana, North Dakota, Washington.
[6] Indiana.
[7] Arkansas, Louisiana, Oklahoma, South Carolina, Texas.
[8] Nevada, South Dakota.
[9] Indiana, Mississippi.
[10] Michigan, Montana, North Dakota, Washington.
[11] Arkansas, Louisiana, Massachusetts, Missouri, Montana, Nebraska, Nevada, North Dakota, Oklahoma, South Carolina, South Dakota, Texas, Washington.
[12] Massachusetts (always), Montana, Nevada (always), South Dakota, Washington.
[13] Arkansas, Florida, Louisiana, Mississippi, Oklahoma, South Carolina, South Dakota, Texas.
[14] Michigan.
[15] Arkansas, Colorado, Connecticut, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin.
[16] New York.
[17] Arkansas, Kansas, Louisiana, Massachusetts, Missouri (also common combs and brushes), Montana, Nevada, North Dakota, Ohio, South Carolina, Vermont, Washington.
[18] Arkansas, Florida, Louisiana, Mississippi, South Carolina, Texas.
[19] Indiana, Kentucky, Oklahoma, South Carolina, Texas, Virginia.
[20] Montana, North Dakota, Washington.
[21] Arkansas, Mississippi, North Carolina.
[22] Michigan.
[23] Indiana, Kentucky.

cholera prevails, every passenger train and vessel may be required by the State board of health to disinfect the excreta. In a few States[1] water-closets are required by law to be maintained at railway stations and kept in a sanitary condition. In Minnesota their installation may be required by the State railway commission.

Restrictions on travel.—Traveling of persons with communicable diseases is specifically forbidden in some States,[2] and in others[3] unless authorized by the health authorities. In some States the transportation of such persons is prohibited,[4] or it is made punishable to bring them into the State.[5] In others, their being put on board any train, steamboat, or public conveyance,[6] or their going from one town to another is prohibited,[7] one State board of health[8] being specifically authorized to restrain or prohibit travel of persons with communicable diseases on public conveyances. Persons with communicable diseases are forbidden to enter public conveyances in many States either absolutely[9] or unless they make known the fact to the owner or driver, who must disinfect the conveyance immediately after such occupancy.[10] In other States, by regulations of State boards of health, persons from infected premises are forbidden to enter public conveyances,[11] or persons who have visited such premises before entering conveyances must disinfect their clothes and obtain the permission of the health authorities.[12]

Disinfection of conveyances used by persons with communicable diseases is specifically required in many States.[13] Railroad conductors who discover on trains infected persons are required to transmit the information immediately to the health authorities[14] or by telegraph or telephone to the State board of health,[15] the health authorities to take charge of patients or suspects,[16] and to pass upon the need for further detention or disinfection of the train. Persons coming from infected territory may, by express authority in law, be restrained

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[1] Connecticut, Iowa, Kentucky, Louisiana, Mississippi (in cities of 3,000 or more inhabitants), Nebraska, North Dakota, South Carolina, Texas, Washington, Wisconsin.

[2] Indiana, Kansas, Mississippi.

[3] Kentucky.

[4] Indiana, Kansas, New Jersey, South Carolina, Texas, Wisconsin.

[5] Michigan, Oregon.

[6] Iowa.

[7] Vermont, Virginia.

[8] Montana.

[9] Arizona, Connecticut, Florida, Georgia, Idaho, Indiana, Kentucky, Michigan, Minnesota (with the exception of hacks), Montana, New Jersey, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin.

[10] District of Columbia, Louisiana, Maine, Maryland, Pennsylvania.

[11] Illinois, North Dakota.

[12] Kentucky, South Dakota.

[13] Arkansas (only cleaning and airing), District of Columbia, Florida, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Michigan, Mississippi, Montana, Pennsylvania, South Carolina, Texas, Utah, Washington.

[14] Colorado, Montana, North Dakota, South Carolina, Texas, Washington.

[15] Indiana, Kentucky, Oregon.

[16] Colorado, Indiana, Kentucky, Montana, North Dakota, Oregon, South Carolina, Texas, Washington.

from traveling by local health authorities in many States;[1] while in various States it is specifically provided that removal of infected or exposed persons from place to place can only be made with the consent of the local health authorities,[2] or either the State or local health authorities.[3] In Utah, if the removal is from one locality to another, it is required to be done with the permission and under the direction of the State board of health and with the permission of the local board of health, if the removal is from building to building within a municipality.

PUBLIC ASSEMBLAGES.

The dangers of the spread of disease through the contact of people at public gatherings have been recognized in the health laws or regulations of many States. In cases of epidemics, local health authorities,[4] or both State and local health authorities[5] have been given the power to close churches, theaters, etc., and to forbid public gatherings. Similar authority is conveyed in the regulations of some State boards of health;[6] while in another State[7] the laws empower the local health officer to so control the population as to best protect the people and prevent the spread of disease. The exposure of persons with communicable diseases in public places or thoroughfares, except in their necessary removal, is in several States[8] declared a misdemeanor. In other States the laws forbid the entry to public places of such persons,[9] or their exposure in streets or public places without taking proper precautions.[10]

In several States, regulations of the State board of health likewise prohibit their appearance on public thoroughfares,[11] their entering public assemblages,[12] or their appearing on streets or at public places or gatherings.[13] In some States the laws forbid the attendance of all persons from infected premises at such gatherings,[14] or their mingling with the general public unless such precautions as may be prescribed by the health authorities are observed,[15] or, in case the disease is cholera or smallpox, interdict their appear-

[1] Alabama, Colorado, Florida, Maine, Massachusetts, Michigan, New Mexico, North Carolina, Washington, etc.
[2] Colorado, District of Columbia, Louisiana.
[3] Arizona, North Dakota, South Dakota.
[4] Idaho, Kansas, Montana, Ohio.
[5] Indiana, Vermont, Wisconsin.
[6] Nebraska, North Dakota.
[7] Wyoming.
[8] California, Idaho, Kentucky, Minnesota, Montana, New Jersey, New York, North Dakota, Porto Rico, South Dakota, Utah.
[9] Michigan, Ohio, Pennsylvania, Virginia, Wisconsin.
[10] Maryland.
[11] Florida.
[12] Connecticut, Georgia, Idaho, Oregon, Utah, Wisconsin.
[13] District of Columbia, Indiana, Kentucky.
[14] Oregon.
[15] Maine.

ance at public places or on thoroughfares, and even their visiting private houses.[1] Similar restrictions are placed by regulations of State boards of health[2] on persons having access to and exit from quarantined households, or in case of specified diseases, such as cerebrospinal meningitis.[3] In those States[4] in which breadwinners are allowed to leave the premises restrictions are imposed on their attendance at public gatherings or their following certain occupations. In the case of many diseases, children are forbidden to mingle with other children or to attend public places, the prohibitions being reviewed in the section devoted to school sanitation.

In many States, persons in charge of patients are forbidden to let them expose themselves in public,[5] or it is made a misdemeanor to expose other persons in public places or thoroughfares, unless during necessary removal,[6] or until after proper precautions have been taken.[7] It is likewise declared unlawful in some States to subject other persons, without their knowledge, to the danger of contracting disease,[8] or expose oneself to any communicable disease.[9]

SCHOOL SANITATION.

Restrictions on attendance.—The enforcement of quarantine and the restrictions regarding appearance at public places of persons living in quarantined premises naturally imply similar limitations on school attendance. The laws of many States in addition specifically forbid the attendance of all children from a house in which communicable diseases prevail,[10] of all pupils from such house,[11] of all teachers and pupils from a household in which any communicable disease exists or which is exposed to it,[12] of all children with or exposed to communicable diseases,[13] of all persons from infected premises,[14] and, finally, of only persons afflicted with any communicable disease.[15]

The regulations of State boards of health contain like prohibitions against attendance of all pupils from infected premises,[16] of all children

[1] Kansas.
[2] Arizona, Illinois, Kentucky, Louisiana, Washington.
[3] Indiana, Oregon, Utah.
[4] Arizona, Iowa, Minnesota, Montana, Nebraska, North Dakota, Pennsylvania, South Dakota, Virginia, Washington.
[5] District of Columbia, Pennsylvania, Tennessee, Texas.
[6] California, Michigan, Idaho, Minnesota, Kentucky, New York, North Dakota, Porto Rico, South Dakota, Utah.
[7] Maryland.
[8] Iowa, Michigan, New Jersey, Virginia, Wisconsin.
[9] District of Columbia, Kentucky.
[10] Arizona, Maine, Maryland, Massachusetts, North Dakota, Texas.
[11] North Carolina.
[12] New Jersey.
[13] Missouri, New Hampshire, Wisconsin.
[14] California, Idaho, Kansas, Kentucky, Ohio, Oregon, Pennsylvania, Tennessee, Utah, Washington.
[15] Virginia.
[16] Louisiana, Missouri, New Hampshire.

or teachers,[1] of all children,[2] and of all persons in the house.[3] In addition school authorities are empowered by law to prohibit the attendance of any teacher or pupil in order to prevent the spread of communicable diseases,[4] and in the regulations of a few State boards of health[5] it is provided that school-teachers residing in infected premises may be allowed to continue their attendance at school in case they have not been exposed to the disease and remove to other premises.

In addition to those diseases requiring quarantine or isolation, in a number of States other diseases are mentioned in either laws or regulations which bar the patients from admission to school, these diseases being whooping cough,[6] chicken pox,[7] mumps,[8] tuberculosis,[9] erysipelas,[10] influenza,[11] grippe,[12] tonsilitis,[13] sore throat,[14] cold,[15] trachoma,[16] acute conjunctivitis,[17] communicable eye disease,[18] syphilis or any other venereal disease,[19] scabies,[20] lice,[21] ringworm,[22] impetigo contagiosa,[23] favus,[23] rash or eruption,[24] any parasitic disease of the hair or skin,[12] any infectious or contagious disease of the skin, mouth, or eyes,[25] any suppurative disease of an offensive nature,[26]

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[1] Arkansas, Vermont.

[2] Connecticut, Idaho, Michigan, Minnesota, Nebraska, North Carolina, South Carolina, Washington.

[3] Arizona, District of Columbia, Georgia, Illinois, Indiana, Iowa, Kentucky, Montana, Oklahoma, Oregon, South Dakota, Wisconsin.

[4] New Jersey, Oregon, South Carolina.

[5] Arizona, Arkansas, Nebraska, Oklahoma, Wisconsin.

[6] Arizona, California, Connecticut, District of Columbia, Hawaii, Idaho, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, New Hampshire, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, Wyoming.

[7] Arizona, California, Connecticut, District of Columbia, Hawaii, Idaho, Maine, Maryland, Indiana, Massachusetts, Minnesota, Nebraska, New Hampshire, New York, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, Wyoming.

[8] Arizona, California, Connecticut, District of Columbia, Idaho, Maine, Maryland, Massachusetts, Minnesota, New York, Oklahoma, Pennsylvania, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, Wyoming.

[9] Connecticut, District of Columbia, Idaho, Indiana, Iowa, Kentucky, Louisiana, Massachusetts, Minnesota, Nebraska (apparently), New Hampshire, New York, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Vermont, Washington, West Virginia, Wisconsin.

[10] Arizona, Idaho, Minnesota, Pennsylvania, South Dakota.

[11] Maine, Massachusetts, New Hampshire, New York, South Dakota, West Virginia.

[12] District of Columbia.

[13] Arizona, Arkansas, Maine, Massachusetts, Minnesota, New Hampshire, New York, Pennsylvania, South Dakota, Texas, West Virginia.

[14] Connecticut, and Arizona (when scarlet fever or diphtheria prevails).

[15] Arizona (when measles prevails), Oklahoma, Wisconsin (when measles prevails).

[16] Arizona, Arkansas, Florida, Idaho, Maine, Massachusetts, Minnesota, New Hampshire, New York, Pennsylvania, South Dakota, Texas, Washington, West Virginia.

[17] Arizona, Arkansas, Mississippi (sore eyes), Oklahoma, Pennsylvania, Texas, Washington.

[18] District of Columbia, and Maine (exclusion optional with school authorities).

[19] West Virginia.

[20] Arizona, Arkansas, Connecticut, Idaho, Maine, Maryland, Massachusetts, Minnesota, Michigan, New Hampshire, New York, Oklahoma, Pennsylvania, South Dakota, Texas, Washington, West Virginia, Wisconsin.

[21] Arizona, Arkansas, Connecticut, Indiana, Michigan, Oklahoma, Pennsylvania, Washington, Wisconsin.

[22] Arizona, Arkansas, Idaho, Maryland, Minnesota, Pennsylvania, South Dakota, Washington.

[23] Arizona, Arkansas, Pennsylvania, Texas, Washington.

[24] Connecticut.

[25] Maine (exclusion optional with school authorities).

[26] Washington.

any kind of illness or any offensive bodily emission,[1] any defect or disease which may be detrimental,[2] and even the presence of vermin,[3] or uncleanliness.[4]

In addition in Indiana the employment in public schools of persons with tuberculosis or syphilis is forbidden by law, while in other States the employment of persons with tuberculosis is forbidden by law[5] or by regulation of the State board of health.[6]

Enforcement of law.—In addition to the affected individual himself parents and guardians are usually charged with the duty of preventing sick children attending school, while school-teachers are either by express direction or implication obliged to deny them admission. In various laws or regulations[7] it is provided that teachers must send home suspects.

The duty of health authorities to require the exclusion of infected or exposed children is mentioned in some regulations,[8] while in several laws[9] or regulations[10] it is specified that they must notify school authorities concerning families in which cases of communicable disease occur. Mention is also made in some laws[11] or regulations[12] of the duty of school-teachers to report to health authorities cases of communicable disease in the school. Likewise school physicians are to report cases[13] and cooperate with health authorities in the prevention of disease,[14] and physicians and householders to report cases among pupils to school authorities.[15]

Readmission to school.—The exclusion from school must continue until permission to return is granted by the health authorities,[16] or until a certificate from the health authorities or the attending physician[17] or from the attending physician[18] is presented declaring that the danger of infection has ceased.

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[1] Indiana.

[2] District of Columbia.

[3] Indiana, Maine (exclusion optional with school authorities), Michigan, Oklahoma, Oregon (optional with school authorities), Wisconsin.

[4] Indiana, Maine (optional with school authorities), Oklahoma, Wisconsin.

[5] Hawaii, New Mexico, Pennsylvania

[6] Arkansas (with any communicable disease), Idaho, Iowa, Kentucky, Louisiana, Michigan, North Dakota, Oklahoma, Oregon, Vermont, Washington, Wisconsin.

[7] District of Columbia, Indiana, Maine, Massachusetts, Minnesota, Mississippi, Montana, South Dakota, Washington.

[8] Indiana, Iowa, Pennsylvania.

[9] Colorado, Maine, Massachusetts, Michigan, North Carolina, Pennsylvania, Tennessee, Texas, Utah, Wisconsin.

[10] Illinois, Indiana, Kansas, Montana, Nebraska, Vermont.

[11] Connecticut, Maine, Wisconsin.

[12] Mississippi, Nebraska, Oklahoma, Washington, Wisconsin.

[13] Connecticut, Maine, Vermont, West Virginia.

[14] North Dakota.

[15] Idaho.

[16] Arizona, California, Connecticut, District of Columbia, Indiana, Kentucky, Maine, Michigan, Minnesota, Montana, Nebraska, North Dakota, Oklahoma, Pennsylvania, South Dakota, Vermont, Washington, Wisconsin.

[17] Georgia, Iowa, Massachusetts, New Jersey, North Carolina, Ohio, Oregon, Texas.

[18] Arkansas, Idaho, Maryland, Missouri, South Carolina, Wyoming, Utah.

Length of exclusion.—While readmission to school usually depends, as stated in the preceding paragraph, on the presentation of a certificate from the health authorities or attending physician, in a number of States the minimum length of the period of exclusion after the release of quarantine has been prescribed by either law or regulation as 7 days,[1] 12 days,[2] 14 days,[3] 21 days,[4] or 30 days.[5]

The duration of the period of exclusion from school is generally made coincident with the release of quarantine, but for certain specified diseases it is stated in some States as follows: Smallpox, 7 days from release of quarantine,[6] at least 30 days from date of onset,[2] 18 days from onset of disease for persons in the house not exposed to the disease;[7] scarlet fever, 7 days after release of quarantine for patient and 14 days from last exposure for exposed children and teachers,[8] 10 days after release of quarantine for patient and 10 days from last exposure for other children,[1] until release of quarantine for patient and 10 days from last exposure for exposed teachers and children,[9] 21 days after release of quarantine for patient and 10 days from last exposure for exposed children;[10] diphtheria, after taking 2 negative cultures,[8] at least 21 days from onset of disease,[2] 21 days after convalescence [11] on medical certificate for patient, 7 days from release of quarantine for exposed children unless immunized,[1] until release of quarantine for patient and taking of negative culture for exposed children,[12] until release of quarantine for patient and 10 days from last exposure for exposed teachers and children;[13] measles, 5 days after release from quarantine,[14] 14 days from disinfection of premises,[1] 14 days from beginning of last case,[12] and 21 days from onset of disease;[3] poliomyelitis, 14 days after patient's temperature becomes normal,[1] 14 days from beginning of quarantine,[1] until release of quarantine of patient and 21 days from date of last exposure for children and teachers;[8] cerebrospinal meningitis, 10 days from release of quarantine.[12]

Exceptions.—The provisions regarding exclusion usually apply to all children on infected premises. In a number of States, however, their return may be allowed if they remove to other premises and do not develop the disease during a short period of observation,[15] or in the case of certain diseases, such as measles, if they have previously had

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[1] District of Columbia.
[2] Arizona.
[3] Idaho, Montana, Utah.
[4] Kentucky.
[5] Pennsylvania, Tennessee, Wyoming.
[6] Indiana.
[7] Texas.
[8] Minnesota.
[9] Maryland, Washington.
[10] Oregon.
[11] New Hampshire.[8]
[12] Maryland.
[13] Washington.
[14] Indiana, Oregon, Utah.
[15] Indiana, Maryland, Oregon, Pennsylvania.

the disease.[1] Likewise, when the cause of exclusion is lice, scabies, or ringworm the afflicted child may be allowed to attend school in one State [2] if proper treatment is instituted, while in another State [3] his exclusion is optional with the school authorities.

Vaccination.—In many States vaccination is made a condition of admission to school either by law [4] or by regulation of the State board of health.[5] It is also required by law in California, but an amendment passed in 1911 authorizes the substitution of a certificate by parent or guardian that he is conscientiously opposed to vaccination. When smallpox prevails, however, unvaccinated children may in this State be excluded from the schools. Vaccination of school children may also, according to provisions in law [6] or health regulations,[7] be enforced in other States, but only during periods of epidemics. In one State [8] the law provides for the exclusion of unvaccinated children from school for a period of 25 days whenever smallpox prevails, which period can be extended to 50 or more days should new cases develop and the State board of health advise the measure. The rules of the State Boards of Health of Minnesota and South Dakota require all unvaccinated persons to be suspended from school during smallpox epidemics for 3 weeks unless vaccinated within 3 days, and in Texas a section of the sanitary code requires, if smallpox occurs and vaccination is not enforced, the closing of the school for 18 days. In a number of other States [9] vaccination of school children is a measure made optional by law with local school authorities or may be enforced by courts during epidemics.[10]

Closing of schools.—In some States schools must be closed when smallpox prevails, if no provision is made for vaccination [11] and in Kentucky also during "dangerous epidemics." The adoption of this measure is authorized in other States by law [12] or by regulation of the State board of health.[13] When a case of communicable disease occurs in a school, closing of the same is also required in some States by regulation of State boards of health [14] or by law [15] until disinfection.

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[1] District of Columbia, Idaho, Indiana, Minnesota, Oregon, Utah, Washington.
[2] Washington.
[3] Maine.
[4] District of Columbia, Maryland, Massachusetts, New Hampshire, New Mexico, New York, Pennsylvania, Porto Rico, Rhode Island, South Carolina, South Dakota (by implication), Virginia (practically made optional with local authorities by a provision in the statute).
[5] Arkansas, Kansas, Kentucky, Louisiana, North Dakota, Oregon.
[6] Minnesota, Montana, Wisconsin.
[7] Illinois, Nebraska, Washington.
[8] Wisconsin.
[9] Connecticut, Georgia, Maine, New Jersey, North Carolina, Ohio, Oregon, Virginia, Washington (only in school districts of the first class).
[10] West Virginia.
[11] Idaho, Texas, Wisconsin.
[12] Idaho, Indiana Kansas, Montana, New Jersey, Ohio, South Carolina.
[13] Nebraska, New Hampshire, North Dakota, Vermont, Washington.
[14] Idaho, Louisiana, Michigan, Minnesota, Montana, Pennsylvania (optional with the county medical inspector), Washington.
[15] Maine, Texas.

Disinfection.—In addition to the States just referred to, disinfection of schools after cases of communicable disease is required in various States by law [1] or by regulation of the State board of health.[2]

Medical inspection.—Medical inspection legislation in the United States may be said to have begun with the passage of the Connecticut statute of 1899, requiring the testing of pupils' vision by teachers every three years. The movement, however, had its inception with the systems of medical inspection of school children organized in Boston in 1894, in Chicago in 1895, and in New York City in 1897.[2a] The majority of the laws relative to this subject have, however, been enacted only during the last three or four years.

Of the States having adopted this provision, in only about half of them [3] is medical inspection of children made obligatory, by law or by regulation of the State board of health.[4] In the others [5] its enforcement is optional with the local school authorities or dependent on appropriation of funds by the voters or municipal authorities.[6] It is to be observed, however, that various of the above States can be classified as having both compulsory and permissive medical inspection. For instance, in Connecticut the testing of eyesight, and in Maine, Rhode Island, and Vermont the testing of sight and hearing, is obligatory, while the appointment of school physicians is optional with local authorities. In West Virginia the provisions are obligatory for cities but optional for counties. In Pennsylvania school districts having less than 30,000 may, by a vote of the school directors, refuse to have medical inspection of the school children during any year, and in Indiana, while medical inspection of children is compulsory for cities with more than 100,000 inhabitants, it is optional for all other communities except when any communicable disease occurs, in which case a medical examination must be made of all the pupils.

In other States teachers or school authorities may have any child examined by a physician to determine his condition or liability to transmit disease [7] or may require any health officer to examine pupils suspected of being in an insanitary condition.[8] In North Carolina, in counties employing full-time health officers, the latter are to instruct teachers in methods of making medical inspections of children and to examine themselves any pupils reported as probable sufferers of defective eyes, ears, nose, or throat, or hookworm disease. The State board of health of Kansas in a resolution earnestly recom-

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[1] Wisconsin.

[2] District of Columbia (at discretion, health department), Indiana, Kansas, Nebraska, Utah, Wisconsin.

[2a] Elmira, N. Y., claims to have had health supervision of school children since 1872.

[3] Colorado, Connecticut, District of Columbia, Louisiana, Maine, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Utah, Vermont, West Virginia.

[4] Minnesota.

[5] California, Connecticut, Indiana, New Hampshire, North Dakota, Ohio, Virginia, Washington (only for cities with more than 20,000 inhabitants).

[6] Maine.

[7] Missouri, Washington (only when tuberculosis is suspected).

[8] Oregon.

mends that school medical inspectors be appointed in all cities having more than 2,000 inhabitants.

School physicians.—The appointment of school physicians is obligatory in some States [1] and optional in others.[2] The appointment of school nurses is also optional in some of these States,[3] and in some, school teachers are required to test eyesight,[4] eyesight and hearing,[5] sight, hearing, and breathing,[6] and, if no school physicians are appointed, to test sight and hearing [7] or examine children with a view to detect defective vision, hearing, or breathing, or decayed teeth.[8] In Indiana and Virginia local school authorities may require teachers to test pupils' eyesight and hearing. In New York the public health nurses may be assigned by the local health officer to examine or visit school children or children excluded from school, and in Wisconsin any county may employ a trained nurse to act as expert in hygiene for schools not having medical inspection.

Inspection, teachers, etc.—In a number of States,[9] medical inspections of pupils only are mentioned in the law. In others,[10] however, it is provided that such further examination of teachers and janitors shall be made as the health of the pupils may require. In New Hampshire if a parent or guardian protests against the examination of his child or ward, the latter is to be exempt from any examination for noncontagious defects.

Purposes of inspection.—In those States having compulsory medical inspection, it is made for the purpose of detecting defective eyesight,[4] defective sight or hearing,[11] defective sight, hearing, or breathing,[6] any physical defect,[12] defective sight or hearing or any other disability or defect,[13] and any disability or defect.[14] These inspections are required respectively to be made annually,[15] biennially,[16] or triennially.[4]

In those States, in which the enforcement of the law is optional, the medical inspection is to embrace search for defective sight or

[1] District of Columbia, Indiana (only in cities with more than 100,000 inhabitants), Massachusetts, Minnesota (regulations, State board of health), New Jersey, New York, Pennsylvania, West Virginia (only in cities), Maine (if authorized by voters), New York (if funds are appropriated).

[2] California (either physicians or "educators" with special qualifications), Connecticut, Indiana, New Hampshire, North Dakota, Ohio, Rhode Island, Utah, Vermont (if authorized by voters), Virginia, Washington (only in cities with more than 20,000 inhabitants), West Virginia (in counties).

[3] Connecticut, Indiana (only in cities with more than 100,000 inhabitants), New York, Ohio, Pennsylvania, West Virginia.

[4] Connecticut.

[5] Louisiana, Massachusetts, New Hampshire (under direction, school physician), New York, Vermont.

[6] Colorado.

[7] Maine, Rhode Island.

[8] Utah.

[9] California, Colorado, New Hampshire, New Jersey, North Dakota, Pennsylvania, Utah, Vermont, Virginia, West Virginia, Louisiana.

[10] Connecticut, District of Columbia, Indiana, Maine, Massachusetts, Minnesota, New York, Ohio, Rhode Island.

[11] Louisiana, Vermont.

[12] New Jersey.

[13] Maine, Massachusetts, Pennsylvania, Rhode Island, Vermont.

[14] West Virginia.

[15] Colorado, Maine, Massachusetts, New Jersey (apparently), New York, Pennsylvania (at least), Rhode Island, Utah, West Virginia.

[16] Vermont.

hearing, or any other physical disability,[1] defective sight or hearing, decayed teeth, or any other defect which may reduce efficiency,[2] affect eyesight and hearing,[3] any defect which may interfere with health, growth, or efficiency,[4] any defect or disability,[5] and any disability or defect other than defective sight or hearing.[6] The scope of the proposed examinations is not specified in some laws.[7] The examinations in all these States are required to be made annually.

In addition to these routine inspections of pupils, it is provided[8] that school physicians are to examine also all pupils suspected of being sick and children who have been absent from school and who return without a certificate from the health officer. In New York a health certificate is to be presented by each pupil at the beginning of the school year, pupils who fail to present certificates being required to submit to an examination by the school medical inspectors. In New Jersey the latter are also to lecture on sanitation before teachers.

Remedying defects.—In most of the States,[9] it is provided that the parent or guardian is to be notified of the defect or disease discovered in his child. He is also required to provide the necessary treatment[10] or put his child in sanitary condition.[11] In some States[12] his failure to rid his child of vermin or bodily uncleanliness is to be prosecuted. In case he is too poor to incur the necessary expense the county physician is to treat the child,[13] or the school authorities are to provide the relief, if possible, at a public dispensary.[12] In one or more States it is specified that recommendations for the parent's guidance in regard to the child's health must be sent by the school physician[14] or that he must instruct the teacher as to the special care required by any pupil.[15] In various States it is, however, prescribed that the school physicians are not to treat pupils[16] and that the parents must be urged to consult the family physician.[17]

Administration.—Medical inspection is in most States[18] to be administered by school authorities. In Minnesota it is in charge of

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[1] Connecticut, New Hampshire (unless parent or guardian protests), North Dakota.
[2] Indiana.
[3] New York, Virginia.
[4] California.
[5] Maine.
[6] Vermont.
[7] Ohio, Washington.
[8] Connecticut, District of Columbia, Maine, Massachusetts, Indiana, Minnesota, Vermont, West Virginia.
[9] Colorado, Connecticut, District of Columbia, Indiana, Maine, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Utah, Vermont, Virginia, West Virginia.
[10] Colorado, Connecticut, Indiana, Maine, New Jersey (if defect is remediable).
[11] Oregon.
[12] Indiana, Maine.
[13] Colorado.
[14] North Dakota.
[15] Pennsylvania.
[16] District of Columbia, Maine, Vermont.
[17] Indiana, Maine, Vermont, West Virginia.
[18] California, Colorado, Connecticut, Indiana, Louisiana, Maine, New Jersey, New York, North Dakota, Rhode Island, Utah, Vermont, Virginia, Washington, West Virginia.

local boards of health. In Massachusetts it is provided that cities in which the local boards of health are maintaining or shall maintain school inspection they shall appoint and assign the school physicians. In Ohio, by mutual agreement between local school and health authorities, the latter may assume charge of the medical inspection. In Pennsylvania health authorities in school districts with more than 100,000 inhabitants who were enforcing medical inspection at the time of the passage of the act in 1911 may continue to do so, while the State department of health is to administer the act in school districts having less than 5,000 inhabitants and in those which, contrary to the provisions of the law, fail to provide medical inspection. In the latter State health officers may be appointed as medical inspectors. In New York local health officers are also required to make annual examinations of school children unless the school authorities make other provisions.

The rules governing the inspections are in some States to be prepared by the State board of health, either under express directions in the law,[1] or acting under its general powers,[2] by the State health authorities and State educational authorities acting jointly,[3] by the local school authorities,[4] by the local school authorities with the approval of the State school authorities,[5] or by the State school authorities alone.[6] The necessary appliances for testing eyesight and hearing are to be supplied by the State board of health in two States,[7] and by the State school authorities in others,[8] approval by the State board of health being required in various of the latter States.[9]

Expense.—In practically all of the States it is provided that the expense of medical inspection must be borne out of local funds. In Rhode Island, however, the law specifies that if the medical inspection as maintained is approved by the State board of education the town or city is to receive from the State an allowance equal to half of its expenditure for this purpose, but not exceeding $250. Specific appropriations in favor of State school authorities for the purchase of testing appliances are made in various States.[10]

Inspection, buildings.—In a number of States school physicians are to make such inspections of school buildings as they may deem neces-

[1] Massachusetts, Pennsylvania, Utah, Vermont, District of Columbia.
[2] Minnesota.
[3] Indiana, Louisiana, New Hampshire, New York, Ohio, Virginia, Maine.
[4] Connecticut, Washington, New York, West Virginia.
[5] New Jersey, Rhode Island (apparently).
[6] Colorado.
[7] Louisiana, Minnesota.
[8] Colorado, Connecticut, Louisiana, Maine, Massachusetts, Yew York Rhode Island, Virginia (if requested by local authorities).
[9] Louisiana, Maine, Massachusetts, New York, Rhode Island, Virginia.
[10] Colorado, Maine, Massachusetts, Virginia.

sary,[1] or as may be prescribed by boards of education,[2] or health authorities,[3] or only incidentally or when requested by the school principal.[4] Inspections of schoolhouses by school inspectors are required in Wisconsin whenever complaints of existing conditions are made by responsible persons.

Sanitary inspections of schools[5] by the State board of health[6] or its inspectors[7] are in some States made obligatory; while in other States the board is to have inspections made of all schools,[8] or only of those in communities with more than 1,000 inhabitants.[9] In Alabama, the board is merely empowered but not directed to have such inspections made. In some States[10] the State board of education is to make rules for sanitary inspections of schools.

Inspections by local boards of health are required by law as follows: Quarterly,[11] semiannually,[12] annually,[13] regularly,[14] or with sufficient frequency;[15] and by local health officers whenever required by the local board of health,[16] or annually.[17] In some States[18] local boards of health are to exercise, through health officers, sanitary supervision over schools. By regulations of State boards of health, local health officers are required to exercise a similar supervision,[19] and to make sanitary inspections of schools annually,[20] semiannually,[21] at each school term,[9] or from time to time.[22]

Correction, sanitary defects.—Recommendations for the correction of sanitary defects noticed in schoolhouses are to be made by local health authorities,[23] or by school inspectors,[15] or by the State inspectors of health,[24] or by the State board of health or its agents,[25] or by the State superintendent of public instruction,[26] or by the State board of

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[1] Connecticut, Indiana, Maine, Massachusetts, Minnesota, New York, Ohio, Pennsylvania, Rhode Island.
[2] Pennsylvania, West Virginia.
[3] Pennsylvania.
[4] District of Columbia (apparently.)
[5] See also *Public Buildings; inspections*, p. —.
[6] Mississippi, New Jersey, Oklahoma, Vermont.
[7] Massachusetts, Michigan, Wisconsin.
[8] Vermont.
[9] Montana.
[10] Idaho, Rhode Island.
[11] South Carolina.
[12] Ohio.
[13] Idaho, Vermont, Virginia.
[14] Utah.
[15] Wisconsin.
[16] Mississippi.
[17] New York, North Carolina (if the officer is a "full time" one).
[18] Alabama, North Dakota.
[19] Kansas, Kentucky, Louisiana.
[20] Arizona, Arkansas, Idaho, Iowa, South Dakota.
[21] Kansas.
[22] Minnesota.
[23] Arizona, Arkansas, Iowa, Kentucky, Montana, New Hampshire, New York, South Carolina, Utah.
[24] Massachusetts.
[25] Michigan, Mississippi, Wyoming.
[26] New Jersey.

education or the local school authorities.[1] If the necessary corrections are not made, the local health authorities may order them to be made,[1] or make them at the expense of the school authorities,[2] or take necessary steps to have defects remedied;[3] while in other States the schoolhouse may be declared a nuisance,[4] or the district is to forfeit its share of the school tax fund,[5] or the school may be closed by the division superintendent of schools,[6] or the State superintendent of public instruction,[7] or the State board of health or its agents,[8] or the local health officer, who may also cleanse the school at owner's expense.[9] In North Carolina,[10] in localities having a "full-time" health officer, no schoolhouse is to be used until he certifies to its satisfactory condition. In North Dakota the county health officer is required to enforce cleanliness in schools and inspect insanitary schoolhouses, reporting them when necessary to the board of inspection.

Sanitation, schools.—In various States the State board of health is empowered to make regulations for the sanitation and disinfection of schools,[11] or their sanitary care,[12] or their sanitary construction and equipment,[13] or their lighting, ventilation, and heating.[14] Comprehensive rules have been adopted by various State boards[15] either under the specific authority thus conferred or their general powers. In other States, power to regulate the sanitary equipment of schools is specifically granted to the State board of education,[16] or to local school physicians, if requested to do so by the local school authorities.[17] In still others the local boards of health are authorized to make the necessary regulations for preserving the health of the children.[18]

Sanitary requirements to be observed in the construction and equipment of schools are prescribed by either law,[19] or regulation[20] in the above States. In some, in addition, it is provided that plans and specifications for the construction of new school buildings[21] must

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[1] Connecticut.
[2] Utah.
[3] Kentucky.
[4] Montana.
[5] Pennsylvania, Wisconsin.
[6] Virginia.
[7] New Jersey, Pennsylvania.
[8] Michigan, Vermont.
[9] New Hampshire.
[10] North Carolina.
[11] Florida, South Carolina, Virginia.
[12] Porto Rico, Wisconsin.
[13] Minnesota.
[14] Montana, Vermont.
[15] Arizona, Arkansas, Indiana, Kentucky, Louisiana, Minnesota, Montana, Oklahoma, South Carolina, South Dakota, Vermont, Virginia.
[16] Idaho, Rhode Island.
[17] West Virginia.
[18] Utah.
[19] Indiana.
[20] Arizona, Arkansas, etc.
[21] See also Public buildings.

be approved by the following: The State board of health,[1] the State board of health and the State superintendent of public instruction,[2] the parish superintendent of schools, the parish health officer, and the State superintendent of education;[3] the division superintendent of schools;[4] the State board of education;[5] the State board of health, the State superintendent of public instruction, and architect appointed by the governor.[6] In some States[7] the State authorities are directed to supply construction plans, if requested by the local authorities, and in others,[8] in all plans provision must be made for adequate heating, ventilation, and lighting.

Sanitary features.—The State of Massachusetts, which has led in practically all health work in this country, also enacted the first legislation govering school heating and ventilation. The specific requirements mentioned in the laws or regulations governing the sanitation of schools are the following: Location of building on good, dry site, with good, dry walks and suitable playgrounds;[9] freedom from noises and unsavory odors;[10] a distance of 500 feet[11] or 350 feet[12] to steam railroads, or any noise-making industry, or unhealthful conditions; no nuisances in neighborhood;[13] freedom from effluvia arising from drain, privy, or nuisance;[14] proper drainage of site;[15] possession of a dry, well-lighted basement;[16] adequate ventilation;[17] 200 feet air space for each child;[18] 216 feet,[19] 225 feet,[20] 250 feet,[21] 200 to 300 feet,[10] 200 feet for the primary grades, 225 feet in the grammar grades, 250 feet in the high schools, and 300 feet in schools of a superior grade;[22] a supply of 30 feet of pure air every minute for each pupil,[23] 25 feet,[21] or 50 feet;[24] proper heating;[25] a temperature

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[1] Minnesota, Montana, Vermont.
[2] Maine.
[3] Louisiana.
[4] Virginia.
[5] New Jersey, New York, Virginia.
[6] Utah.
[7] Maine, New Jersey, Pennsylvania.
[8] Louisiana (regulation), Maine, New York, Pennsylvania, Utah.
[9] Arizona, Indiana, Vermont.
[10] Vermont.
[11] Indiana.
[12] Arizona.
[13] Rhode Island.
[14] Connecticut, Massachusetts.
[15] Arizona, Louisiana, Montana, Vermont.
[16] Arizona, Indiana.
[17] Arizona, Arkansas, Connecticut, Indiana, Massachusetts, Minnesota, Montana, New York Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota.
[18] Louisiana, Montana, New York, Pennsylvania, Utah, Virginia, Wisconsin.
[19] Minnesota, South Dakota.
[20] Arizona, Indiana, Oklahoma.
[21] Montana.
[22] Ohio.
[23] Louisiana, Minnesota, Montana, New York, Pennsylvania, South Dakota, Utah Vermont Virginia, Wisconsin.
[24] South Carolina.
[25] Arizona, Connecticut, Indiana, Massachusetts, Montana, New York, Ohio Pennsylvania.

about 70° F.,[1] or between 65° and 70° F.;[2] and a relative humidity of 40 per cent,[3] or 30 per cent,[4] the use of direct steam heating being forbidden in one or two States.[5]

Other provisions require: Lighting from left or left and rear;[6] the window or glass space to be not less than one-seventh of the floor space,[7] not less than one-sixth,[8] not less than one-fifth,[9] not less than one-fifth and preferably one-fourth;[10] the use of dead black blackboards,[11] and the painting of walls in a neutral color.[12] In some States[13] the use of basements for schoolrooms is forbidden, and the minimum height of rooms is fixed at 10 feet,[2] or 12 feet.[14]

In many States pure drinking water must be furnished;[15] in some States[16] the use of sanitary fountains is recommended, in a great many[17] the use of common drinking cups is forbidden, and in a few[18] only tin cups are forbidden. In one State[19] the regulations of the State board of health specifically require that a glass or cup must be furnished for the use of the children. In several States prohibition is made against the use of pencils by more than one pupil,[20] the use of roller towels,[21] and promiscuous spitting.[22] Proper facilities for the sanitary disposal of garbage must be furnished in one State.[7] In a number of States[23] it is provided that water-closets or outhouses must be installed at each school and kept in sanitary condition. In other States[24] it is merely required that they be maintained in a sanitary condition. In the case of outhouses disinfection and cleaning is required monthly in Utah and annually in Pennsylvania.

In various States[25] it is provided that schoolhouses shall be kept clean. Screening is required in one State,[26] and in several others

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[1] Arizona, Indiana, Montana, New York, Pennsylvania, Vermont.
[2] Ohio.
[3] Indiana.
[4] Arizona.
[5] Indiana, Ohio (apparently), Wisconsin.
[6] Arizona, Indiana, Louisiana, Minnesota, Montana, Pennsylvania, South Dakota, Vermont, Virginia, Wisconsin.
[7] Louisiana, Montana.
[8] Arizona, Indiana, Montana.
[9] Minnesota, Pennsylvania, South Dakota, Wisconsin.
[10] Vermont.
[11] Arizona, Indiana, Vermont.
[12] Arizona, Indiana, Oklahoma, Vermont.
[13] Minnesota, Ohio.
[14] Minnesota, South Dakota, Vermont (apparently).
[15] Arizona, Arkansas, Indiana, Kansas, Louisiana, Montana, Oklahoma, South Carolina, Vermont, Virginia, Wisconsin.
[16] Arizona, Arkansas, Indiana, Louisiana, Montana, Ohio, Oklahoma, South Dakota, Vermont.
[17] Arizona, Arkansas, Colorado, Connecticut, Idaho, Illinois, Iowa, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Utah, Vermont, Wisconsin.
[18] Indiana, Ohio.
[19] Virginia.
[20] Indiana, Vermont (only suggested).
[21] Arizona, Arkansas, Indiana, Kansas, Ohio, South Dakota, Vermont.
[22] Arkansas, Louisiana, Massachusetts, Mississippi, New Mexico, Rhode Island, Vermont, Wisconsin.
[23] Arkansas, Connecticut, Florida, Kentucky, Maryland, Massachusetts, New York, Ohio, Pennsylvania, South Carolina, South Dakota, Utah, Vermont, Virginia, Wisconsin.
[24] Arizona, Indiana, Kansas, Mississippi, Montana, Oklahoma.
[25] Connecticut, Massachusetts, New Hampshire, etc.
[26] South Carolina.

disinfection of the school building is required at least once a year,[1] once a month,[2] or once every two weeks,[3] and disinfection of furniture once a month.[4] Thorough cleansing before annual opening is likewise required in various States,[5] and daily washing of desks, wainscoting, etc., with disinfectant and scrubbing and treating of floors with antiseptic solution from time to time in another State.[6] Dry sweeping or dusting is forbidden in several States.[7]

A penalty of $50 is provided in Indiana in the case of authorities who fail to enforce the provisions of the law relating to sanitation of schools.

Teaching of sanitary subjects.—In most of the States[8] it is provided that instruction shall be given in the public schools in regard to physiology and hygiene, with special reference to the effects of alcohol and narcotics, and in many States[9] teachers are required to pass examinations in these subjects. Training in physical education is made by law obligatory in all public schools in North Dakota, in public schools in Michigan located in cities having more than 10,000 inhabitants, and in Wisconsin obligatory in all city schools and optional in others. In Michigan and Wisconsin also teaching of the subject is mandatory in normal schools.

Special instruction is required in Massachusetts to be given in regard to tuberculosis, in North Dakota in regard to tuberculosis and other communicable diseases, in Indiana in regard to tuberculosis and the dissemination of disease by rats, flies, and mosquitoes, and in Montana in regard to communicable diseases in general; while in Utah a course in sanitation and the causes and prevention of disease is to be given in normal schools and other schools above the eighth grade. In North Carolina, if a "full time" health officer is employed in any community, he is to cooperate with the teachers in instructing the pupils in hygiene and sanitation.

The publications on hygiene for use in the schools are to be prepared by the State health authorities in Montana, or by the State health and school authorities in Indiana and Utah acting in cooperation. In other States[10] the State board of health is to recommend

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[1] Indiana, Kansas, Louisiana, Missouri, Oklahoma.
[2] North Dakota.
[3] Pennsylvania.
[4] Virginia.
[5] Arizona, Indiana, Missouri, Wisconsin.
[6] Louisiana.
[7] Arkansas, Indiana, South Carolina, Vermont (only suggested), Virginia, Wisconsin.
[8] Colorado, Connecticut, Delaware, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Nebraska, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Pennsylvania Rhode Island South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, Wyoming.
[9] Delaware, Georgia, Idaho, Illinois, Iowa, Kansas, Missouri, Montana, Nebraska, New York, North Carolina, North Dakota, Pennsylvania South Dakota, Tennessee, Texas, Washington, West Virginia Wisconsin, Wyoming.
[10] Colorado, Louisiana, Maine, Michigan, Montana, Tennessee, Wisconsin.

works on hygiene and sanitation for use in the schools; and in Porto Rico the department of sanitation is to furnish the schools with pamphlets on tuberculosis and hookworm disease. In Wisconsin the State board of health must cooperate with educational institutions and school authorities in disseminating health information.

PUBLIC BUILDINGS.

In addition to the public buildings, such as schoolhouses, hotels, railway stations, etc., of which separate mention has been made, various provisions exist in a number of States for the sanitation of public buildings in general. In several States the State board of health is specifically empowered to regulate their sanitary features [1] or intrusted with their sanitary control.[2] In only a few States [3] have regulations for this purpose been adopted, in the others the provisions in the statutes being the only ones governing the subject.

Advice; inspections.—The power of State boards of health, either at their own discretion or at the request of authorities, to "advise in regard to the location, drainage, water supply, disposal of excreta, heating, and ventilation of any public structure or building" is recognized in many States; [4] in others,[5] their duty to advise in regard to sanitary improvements needed at public institutions is proclaimed. The power and even duty of such boards to inspect public buildings in the discharge of their duties,[6] or to visit State institutions and report on their sanitary condition,[7] is specifically mentioned in the laws defining their functions. Inspections of public buildings by [8] State inspectors of health,[9] or local health authorities,[10] are required in various laws. In other States the laws confer power on the local health authorities to make such inspections,[11] or authorize municipal authorities to appoint special inspectors of buildings.[12]

Plans.—Plans for public buildings must in various States be submitted to the State health authorities,[13] or to both the State board of health and the State board of charities and corrections.[14] Changes in the sanitary construction and equipment of public buildings may in some States be ordered by the State inspectors of health,[15] or by

[1] Florida, Indiana, Minnesota, Mississippi, Montana, Oklahoma, Porto Rico, South Carolina, Utah, Vermont, Virginia.
[2] California.
[3] Arkansas, Florida, Louisiana, Minnesota, Mississippi, Vermont, Virginia.
[4] Colorado, Delaware, Georgia, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Nevada, North Carolina, Ohio, Tennessee, Washington, Wisconsin, Wyoming.
[5] Connecticut.
[6] Alabama, Arkansas, Connecticut, Indiana, Kansas, Louisiana, Maryland (when directed by governor of legislature), Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Texas.
[7] Delaware, Idaho, Mississippi, Montana, New Jersey, North Carolina, Oklahoma, South Carolina, Wyoming.
[8] See Inspections. [9] Massachusetts, Wisconsin.
[10] Idaho, Montana, New York, Vermont, Wisconsin.
[11] Arkansas, Indiana. [12] New Hampshire.
[13] California, Minnesota (regulations, State board of health), Montana, New York, Porto Rico, South Dakota, Vermont.
[14] Michigan. [15] Massachusetts.

both State and local health officers,[1] a failure to comply with these orders making the buildings liable to action provided against nuisances.[1] In other States the local boards of health are authorized, either by specific statutes[2] or regulations of the State board of health,[3] to make rules regulating the sanitary condition of public buildings and empowered to recommend the necessary improvements. Municipal authorities are usually empowered to regulate the construction and maintenance of public buildings,[4] and in some States all buildings.[5]

Definition of "public building."—The words "public buildings" are used in different senses in the various States. While in some States[6] the provisions just mentioned apply only apparently to buildings or institutions owned or controlled by the State, in others they comprehend churches, halls, theaters, and other buildings open to the public;[7] factories, hotels, tenement houses, public halls, schoolhouses, and other buildings used for mercantile, manufacturing, or public purposes;[4] hospitals, jails, almshouses, theaters, courthouses, dairies, markets, and slaughterhouses;[8] schools, hospitals, almshouses, prisons, and other public institutions, and lodging houses and sleeping places kept for gain;[9] schoolhouses, churches, and all places of public resort;[1] public or government buildings, railroad depots, office buildings, theaters, lecture halls, and other places where people congregate;[10] public or private institutions, schoolhouses, churches, theaters, public halls, places of assemblage or public resort, and buildings more than two stories high used as factories, workshops, mercantile establishments, hotels, boarding or lodging or tenement houses;[11] churches, courthouses, municipal rooms, schools, and all buildings more than two stories high used for social halls, hotels, restaurants, tenement or boarding houses, factories, workshops, mills, etc.;[12] schools, prisons, public institutions, and all buildings and places of public resort;[13] schoolhouses, factories, workshops, tenements, and buildings belonging to the State or any county or city;[14] hotels, restaurants, boarding houses, tenement houses, schools, factories, workshops, slaughterhouses, meat markets, dairies, barber

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[1] Montana.
[2] Wisconsin, Wyoming.
[3] Arizona, Iowa, Kansas.
[4] New Hampshire.
[5] Illinois, Maine, Ohio, etc.
[6] California, Connecticut, Delaware, Idaho, Maine, Maryland, Michigan, Nevada, New York (also places of public assemblage), North Carolina, Ohio, South Carolina, Tennessee.
[7] Arkansas, Florida, Virginia.
[8] Alabama.
[9] Minnesota.
[10] Louisiana.
[11] Massachusetts
[12] Vermont.
[13] Mississippi, Oklahoma.
[14] New Jersey.

shops, bath pavilions, hospitals, and sanatoriums;[1] factories, slaughterhouses, packing houses, dairies, bakeries, hotels, restaurants, and other public places and buildings;[2] public halls, churches, schoolhouses, workshops, and prisons;[3] jails, asylums, schoolhouses, hotels, and all other public buildings;[4] hospitals, asylums, infirmaries, prisons, jails, schools, theaters, public places and institutions.[5] In other States no attempt is made to define the expression.

Sanitary features.—The sanitary requirements which are mentioned in the laws or regulations are the following: Maintenance of building in a clean and sanitary condition;[6] freedom from effluvia arising from any drain, privy, or nuisance;[7] proper ventilation;[8] an air supply of 30 cubic feet per minute for each person,[9] or 300 cubic feet per hour;[10] use of exhaust fans for removing impurities if more than 150 persons use hall or room;[10] heating at a temperature about 70° F.;[9] opening doors and windows after each meeting;[11] thorough cleaning after each meeting;[11] use of disinfectant with sawdust for sweeping;[12] no dry sweeping or dusting;[13] no sweeping when persons are present;[10] plumbing work to be done in accordance with rules of the State board of health;[9] promiscuous spitting forbidden;[14] installation of cuspidors;[15] daily washing and disinfection of cuspidors;[16] installation of sanitary privies or water-closets;[17] cleaning of toilet rooms daily,[10] or as often as necessary;[18] installation of lavatories;[19] use of roller towels forbidden;[20] furnishing of pure drinking water;[10] cleaning of water containers every 48 hours;[18] use of common drinking cups forbidden;[21] use of burlap, matting, or other absorbent covering on floors forbidden;[22] fumigation every 3 months,[10] or whenever necessary,[18] or after the occurrence of a case of communicable disease.[23]

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[1] Porto Rico.
[2] Texas.
[3] West Virginia.
[4] Wisconsin.
[5] Wyoming.
[6] Arkansas, Florida, Massachusetts, Mississippi, Virginia.
[7] Massachusetts.
[8] Arkansas, Florida, Louisiana, Massachusetts, Mississippi, Vermont, Virginia.
[9] Vermont.
[10] Louisiana.
[11] Florida, Virginia.
[12] Kansas (recommended), Louisiana.
[13] Arkansas, Florida, Kansas (recommended), Louisiana, Mississippi, Virginia, Wisconsin.
[14] Arkansas, California, Connecticut, District of Columbia, Hawaii, Kansas, Louisiana, Maine, Massachusetts, Mississippi, New Hampshire, New Mexico, Oregon, Rhode Island, Tennessee, Vermont, Virginia, Wisconsin.
[15] Florida, Hawaii, Kansas, Louisiana, Mississippi, Tennessee, Virginia.
[16] Florida, Louisiana, Mississippi, Virginia.
[17] Kentucky, Louisiana, Massachusetts, Mississippi.
[18] Mississippi.
[19] Arkansas, Louisiana.
[20] Arkansas, Connecticut, Louisiana, Massachusetts, Montana, Ohio, Pennsylvania, South Dakota, Vermont, Wisconsin.
[21] Arkansas, Colorado, Connecticut, Hawaii, Idaho, Illinois, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Montana, New Jersey, North Dakota, Ohio, Pennsylvania, South Dakota, Vermont, Washington, West Virginia, Wisconsin.
[22] Louisiana, Texas (only for railroad depots and stations).
[23] Nebraska.

JAILS.

Mention has been made elsewhere [1] of inspections of jails and penal institutions by health authorities and also of certain general sanitary precautions for public buildings which apply also to penal institutions. In several States [2] the State board of health is specifically authorized to make sanitary rules for such institutions, or to recommend correction of sanitary defects,[3] regulations to this effect having been adopted in a few States.[4]

The provisions contained in the above-mentioned rules for specific enforcement in penal institutions are the following: Proper ventilation;[5] a minimum air space of 700 cubic feet for each prisoner in his sleeping room and an hourly supply of 3,000 cubic feet;[6] proper heating and lighting;[6] daily cleaning of floors;[6] scrubbing of floors and walls twice a week;[7] annual whitewashing or kalsomining;[6] semiannual varnishing of ironwork;[7] clean bedding for each prisoner;[8] furnishing mattresses to female prisoners;[9] daily airing of mattresses and bed covering;[9] sanitary water-closets;[10] screening of doors and windows;[6] a pure-water supply;[6] abolishment of common drinking cup;[9] washing of dishes and other eating utensils in hot water,[9] and furnishing of a proper diet.[6]

Vaccination of prisoners is required by the regulations in force in one State,[6] and in another [7] disinfection of cells occupied by any prisoner with a communicable disease. Isolation of prisoners with communicable disease is also required by some of the State boards of health [11] in their regulations. Mention has been made elsewhere [12] of those States which in their laws require the isolation of prisoners with communicable diseases from the other inmates.

In one State [13] requiring monthly inspection of prisons by the local health officer, he is to make a careful investigation of the drinking water, food, clothing, and bedding supplied to the prisoners, and also of the ventilation, air space, heating, bathing facilities, toilet rooms, and drainage, and to report any insanitary conditions to the municipal authorities and the State and local boards of health. In 3 States [14] the position of local health officer and jail physician are held by the same person, and in 2 other States [15] they may be so held.

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[1] See Inspections; Public buildings.
[2] Florida, Massachusetts, South Carolina, Virginia, Wisconsin.
[3] Wyoming.
[4] Arkansas, Louisiana, Massachusetts, Mississippi, Virginia.
[5] Arkansas, Louisiana, Massachusetts, South Carolina.
[6] South Carolina.
[7] Louisiana.
[8] Massachusetts, Mississippi, South Carolina.
[9] Massachusetts.
[10] Arkansas, Louisiana, Mississippi, South Carolina.
[11] Mississippi, South Carolina.
[12] See Removal.
[13] Alabama.
[14] Arkansas, North Carolina, Texas.
[15] Alabama, Tennessee.

PUBLIC INSTITUTIONS.[1]

Admission of persons with communicable diseases to public institutions is specifically forbidden by law in various States, the institutions designated being insane asylums [2] State reform schools,[3] schools for deaf and blind,[4] county homes for children,[5] and any public institution.[6] In some of these States [6] isolation of inmates with communicable diseases is required to be made in accordance with the regulations of the State board of health. In New York all new arrivals at institutions for the reception or care of children, except hospitals, must be examined by a physician and placed in quarantine before being allowed intercourse with the other inmates. In New Jersey the State board of health is charged with the duty of suppressing epidemics occurring in institutions maintained in whole or in part by the State, without reference to local health authorities.

Reports by the officers in charge of all cases of communicable disease occurring in public institutions are expressly required in several States,[7] while in others [8] the State board of health may require such officers to furnish information pertaining to the public health. In one State [9] the State board of health recommends monthly inspections of all public institutions by experts, especially in regard to the water supply and sewage disposal, and the transmission of the reports rendered to the State health authorities.

FACTORY SANITATION.[10]

Provision has been made in the laws for the following sanitary requirements to be observed in factories: Freedom from effluvia arising from drain, privy, or nuisance;[11] maintenance of a clean and sanitary condition;[12] cleanliness,[13] or as much cleanliness as the nature of the business will permit;[14] proper and sufficient ventilation;[15] a reasonable and so far as possible equable temperature;[16] not excessive

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[1] See also p. 55, inspections.

[2] Idaho, Missouri, New York, North Carolina, Texas, Utah, Washington, West Virginia (only cases of tuberculosis, cancer, or leprosy.)

[3] Missouri, Montana.

[4] West Virginia.

[5] Connecticut.

[6] Georgia (regulations, State board of Health), Ohio.

[7] Maryland, New Jersey, New York, North Dakota, Oregon, Pennsylvania, Utah (only venereal diseases).

[8] Connecticut, Delaware, Massachusetts, Mississippi, Pennsylvania, Porto Rico, Wyoming.

[9] Kansas.

[10] See also p. 47.

[11] Illinois, Louisiana (where women and children are employed), Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, Virginia, Wisconsin.

[12] Nebraska, New York, Ohio, Oregon, Wisconsin.

[13] Michigan, Missouri, West Virginia (only where women are employed).

[14] Connecticut, Tennessee.

[15] Colorado, Connecticut, Illinois, Indiana, Louisiana (regulations, State board of health), Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, New York, Ohio, Oregon, Pennsylvania, Tennessee, Vermont (regulations, State board of health), Washington, Wisconsin.

[16] Illinois.

humidity;[1] a sufficient supply of pure drinking water;[2] use of properly covered receptacles which are to be cleaned at frequent intervals;[3] use of common drinking cups forbidden;[4] a sufficient number of toilet rooms in sanitary condition;[5] suitable and convenient washrooms;[6] use of roller towels forbidden;[7] promiscuous expectoration forbidden;[8] installation of cuspidors in all cases,[9] or when required by labor,[3] or local health authorities;[10] use of suction shuttles forbidden;[11] daily disposal of refuse and waste;[12] installment of sanitary receptacles for storage waste and refuse;[3] cleaning of factory as far as possible outside of working hours;[12] scrubbing of floors once every six months and of dressing rooms once a week;[13] keeping of floors at all times in a clean and sanitary condition;[3] and vaccination of employees in paper mills where rags are used.[14] In one State,[15] it is provided that paper-mill employers must reimburse the expenses caused by unvaccinated employees who contract smallpox.

Inspection of factories is provided by law in the majority of the States.[16] In addition, in Mississippi the sheriff is to make such inspections and in addition the county health officer is to inspect at least four times annually, and oftener if required by the sheriff, all manufacturing establishments employing child labor and to promptly report to the sheriff any insanitary condition or any child affected with any communicable disease. In South Carolina the commissioner of agriculture, commerce, and industry and his agents are to examine into sanitary provisions and means of ventilation in factories, and in Alabama the inspector of jails and almshouses is to inspect cotton mills and factories at least four times every year and ascertain sanitary conditions.[17] There are thus left 13 States[18] with no system of factory

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[1] Illinois, Massachusetts (only in textile factories.)
[2] Massachusetts, New York, Rhode Island.
[3] New York.
[4] Colorado, Illinois, Iowa, Maryland, South Dakota, West Virginia.
[5] Colorado, Connecticut, District of Columbia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Massachusetts, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Rhode Island (apparently only in establishments where women are employed), South Carolina, Tennessee, Virginia, West Virginia (apparently only in establishments where women are employed), Wisconsin.
[6] Illinois, Indiana, Iowa, Kentucky, Massachusetts, New Jersey, New York, Pennsylvania, West Virginia (only in establishments where females are employed and dirty work is done), Wisconsin.
[7] Louisiana, South Dakota, Vermont.
[8] Connecticut, Hawaii, Florida (only in cigar factories), Maine, Massachusetts, New York, Tennessee, Wisconsin.
[9] Hawaii, Massachusetts.
[10] Wisconsin.
[11] Massachusetts.
[12] Illinois.
[13] Minnesota.
[14] Maine.
[15] Connecticut.
[16] California, Colorado, Connecticut, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Tennessee, Washington, Wisconsin.
[17] Alabama.
[18] Arizona, Arkansas, Florida, Georgia, Idaho, Montana, Nevada, New Mexico, North Carolina, North Dakota, South Dakota, Virginia, Wyoming.

inspection. While in some of the States[1] the labor authorities are required to collect data relating to sanitary conditions and the protection of health and life, and in others the inspectors must enforce all the laws for the protection of health or life,[2] and even require changes in the sanitary arrangements,[3] or in any condition injurious to health or life,[4] or such improvements as may be essential to securing freedom from obnoxious odors, filth, vermin, decaying matter, or any condition liable to injure health or breed communicable diseases;[5] it is also a fact that in various States these inspections are chiefly for the purpose of enforcing child-labor laws [6] or regulations relative to female labor.[7] In some States only one inspector is provided,[8] and in most States the inspecting force is entirely inadequate, its actual duties having little or no relation to the safeguarding of health. It is to be noticed that in only a few States [9] is factory inspection performed by physicians, and in two of these States [10] such inspection is only incidental to the discharge of other duties.

Powers, State board of health.—The fact must be mentioned that in some States [11] the State board of health is specifically authorized to inspect factories, while in other States it may make regulations governing their sanitary condition,[12] or the sanitation and disinfection of them.[13] In Oklahoma the factory inspector, the commissioner of labor, and the State health officer are empowered to make such regulations. In Michigan local health authorities and physicians must report within 24 hours to the factory inspector of their district cases of communicable disease coming officially to their knowledge; and in Alabama local boards of health are to exercise supervision over the sanitary condition of industrial and manufacturing establishments.

SWEATSHOPS.

The use for manufacturing purposes of private dwellings unsuitable for the purpose might readily furnish a more fertile field for the transmission of disease than properly conducted and supervised industrial establishments, and considerable legislation has been enacted in

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[1] Maine, Michigan, Nebraska, New Jersey, Tennessee, Texas, Virginia, Washington, West Virginia.

[2] Alabama, Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Tennessee, Wisconsin.

[3] Indiana, Kansas, Massachusetts, Michigan, Missouri, Oregon, Pennsylvania, Rhode Island.

[4] Maine, Mississippi, Wisconsin.

[5] Ohio.

[6] Alabama, California, Colorado, Mississippi, New Hampshire, West Virginia.

[7] Delaware.

[8] Alabama, Oklahoma, Texas, etc.

[9] Alabama, Illinois, Massachusetts, Mississippi, New York.

[10] Alabama, Mississippi.

[11] New Jersey, Texas.

[12] Vermont, Porto Rico.

[13] Florida, South Carolina, Virginia.

various States[1] with a view to protecting the public against dangers from this source. In a majority of the States[2] it is provided that the laws relative to factory sanitation apply also to workshops, although usually these are excepted when only used by the fam ly residing in the premises.

In some of the States mentioned above the laws require that no room or apartment in a tenement or dwelling house is to be used for the manufacture of articles of wearing apparel or cigars except for use by immediate members of the family[3] and that a permit must be obtained from the health authorities[4] or the labor authorities[5] for the manufacture of such articles in tenement or dwelling rooms[6] or in any place at all;[7] the permit being subject to revocation at any time if the health of the community or of the employees requires it.[8] In other States the health[9] or the labor[10] authorities are to be notified of the opening and location of the shop, the nature of the work, and the number of persons employed. In addition to these provisions, the laws of New York provide that no part of a tenement house is to be used for the manufacture of articles of wearing apparel, rubber, or paper, umbrellas, confectionery, candy, preserves, etc., without a permit from the labor authorities, which is not to be granted if any communicable disease or insanitary conditions exist in the house as shown by the records of the local health authorities. In the same State a recent act forbids the manufacture in any form of articles of food, dolls, and children's, infants', and dolls' clothes in tenement houses.

The laws require that the shops be kept cleanly,[11] the maintenance of a clean and sanitary condition, proper lighting, ventilation, and fitness for occupancy,[12] proper ventilation[13] and the observance of certain sanitary requirements, such as forbidding the manufacture of articles in any place where a person with communicable disease sleeps, labors, or remains,[14] or in a tenement house where there is or

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[1] Connecticut, Illinois, Indiana, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Wisconsin.

[2] California, Colorado, Connecticut, Illinois, Indiana, Iowa, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Tennessee, Vermont, Washington, West Virginia, Wisconsin.

[3] Illinois (if room is used for eating or sleeping purposes), Indiana, Maryland, Massachusetts, Michigan (if used for eating or sleeping purposes), Missouri (only wearing apparel; 3 persons allowed in addition to members immediate family), New Jersey, New York, Ohio.

[4] New York.

[5] Indiana, Maryland, Massachusetts (after obtaining indorsement, police authorities), Michigan, New Jersey (except when used by members immediate family), Pennsylvania, Wisconsin.

[6] Indiana, Maryland, Massachusetts, New Jersey, New York, Wisconsin.

[7] Michigan, Pennsylvania.

[8] Indiana, Maryland, Michigan, New Jersey, New York, Pennsylvania.

[9] Illinois, New York.

[10] Connecticut.

[11] Illinois, Massachusetts, New York.

[12] Connecticut, Michigan, Ohio, Pennsylvania, Wisconsin.

[13] Maryland, New York.

[14] Maryland.

has been a case of communicable disease without subsequent disinfection.[1]

The rooms and the articles manufactured or repaired or altered in sweatshops are subject in a number of States to inspection to determine their freedom from vermin and any other contagious or infectious material,[2] it being obligatory in some States to make an inspection of the shop before granting a license. In other States the health authorities must be notified if evidence of infectious or contagious disease or vermin is found,[3] and they may destroy infected articles,[4] or take any other adequate action, if they find on investigation that the workroom is in an unhealthy condition or that the material or articles are unfit for use.[5]

Articles manufactured in unlicensed establishments [6] or under unhealthy conditions [7] are to be tagged to that effect in various States. Contracting for tenement-made goods without previously obtaining from the health authorities a certificate as to freedom from communicable diseases in the tenement is forbidden in some States,[8] and in another [9] it is likewise forbidden to contract for or purchase garments manufactured under conditions involving danger to the public health. If sweatshop goods are imported into the State, they are to be inspected in several States,[10] and if found to contain vermin or to be manufactured under unhealthy conditions they are to be destroyed [11] or reported to the State board of health [12] or the local health authorities [1] for adequate action. In New York factory owners who have goods made in tenements must obtain a permit from the State commissioner of labor.

CIGAR FACTORIES.

Under the heading "Sweatshops,"[13] mention has been made of the provisions governing the manufacture of cigars in private dwellings. In the absence of specific legislation the laws relative to factories would naturally apply also to cigar factories, although in Connecticut it is provided that the provisions in regard to the sanitation of bakeries and food establishments apply also to cigar factories. Specific statutes for the sanitation of these establishments have been enacted only in Wisconsin, the provisions in force requiring that no shop

[1] New York.
[2] Connecticut (when used by persons not members of family), Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Wisconsin.
[3] Massachusetts, New York, Wisconsin.
[4] Illinois, New York, Wisconsin.
[5] Massachusetts.
[6] Massachusetts, New York.
[7] Missouri.
[8] New York, Pennsylvania.
[9] Maryland.
[10] Illinois, Massachusetts, Michigan, New York.
[11] Illinois.
[12] Massachusetts, Michigan.
[13] See p. 148.

shall be established below ground, that the minimum height shall be 8 feet, that the minimum air space of each room shall be 700 cubic feet, a window area of at least 12 per cent of the floor space, thorough ventilation by means of air shafts, opening of windows, or otherwise, cleanliness, removal of dust every day, and scrubbing of floors at least once a week, and providing of a cuspidor for every 2 employees, and of at least 20 feet of surface space uninterrupted to the ceiling for every employee. The regulations of the State board of health of Florida also require the installation of cuspidors and forbid promiscuous expectoration in cigar factories.

LAUNDRIES.

Laundry sanitation has been made the subject of specific legislation in only a few States.[1] These provisions prescribe adequate ventilation;[2] cleanliness and freedom from vermin and contagious or infectious impurities;[3] sanitary construction;[4] and forbid washing of cloth or linen from isolation hospitals, pesthouses, or sanitariums;[5] employment of persons with communicable diseases;[4] and use of workrooms for sleeping purposes.[6] In a number of States [7] the provisions relative to factory sanitation apply also to laundries by specific mention of them in the laws. In one of these States [8] the regulations of the State board of health provide that no wastes from laundries are to be discharged into streams or other bodies of water nor, unless purified, on any lot, alley, or street, the State health commissioner to decide any questions which may arise as to location. In some States [9] municipal authorities are specifically empowered to regulate laundries; while in Hawaii licenses for their operation must be obtained from the Territorial board of health, whose regulations are to be observed.

BARBER SHOPS.

Minnesota in 1897 was the first State to enact a law with a view to regulating the sanitary condition of barber shops, a number of States[10] having passed similar laws in subsequent years. In one or two instances[11] such laws have been repealed after a short period of operation. It is noteworthy that in one of these States[12] the law in force

[1] Arizona, California, Hawaii, New York, Oklahoma, Virginia.
[2] Arizona, Colorado, Oklahoma.
[3] New York.
[4] Virginia.
[5] California.
[6] New York, Virginia.
[7] California, Colorado, Indiana, New York, Ohio, Oklahoma.
[8] Oklahoma.
[9] Louisiana, Washington.
[10] Colorado, Connecticut, Delaware, Illinois, Kansas, Maryland, Michigan, Minnesota, Missouri, New Hampshire, North Dakota, Oregon, Porto Rico, Rhode Island, Texas, Utah Washington, Wisconsin.
[11] Kentucky Nebraska.
[12] Missouri.

applies only to cities having more than 5,000 inhabitants and in another[1] only to the largest city in the State.

The enforcement of these laws is in most States[2] placed in the hands of State barber boards, but in some of these States[3] the State board of health is to pass upon the qualifications of the members of the barber board, and in others the State health authorities[4] or the local boards of health[5] are vested with the power to enforce the provisions. Most of these laws are fairly comprehensive, but in one or two instances no details are given, power being given to the health authorities to make the necessary regulations[6] and in addition to supervise the establishments.[7] In the use of their general powers regulations for the sanitation of barber shops have also been made by the commissioners of the District of Columbia and the State boards of health of Arkansas, Louisiana, Mississippi, and South Dakota.

Certificates of registration for persons practicing barbering are required in most States by law[8] or regulation,[9] the exercise of the trade being forbidden by regulation to persons with any contagious or infectious disease[7] or any communicable or venereal disease.[10] Provisions in the various laws require that applicants for certificates must be free from contagious or infectious diseases,[11] must have a knowledge of the aseptic or antiseptic precautions to be observed in the case of tools and articles in use,[12] and a knowledge of common skin diseases in order to prevent their spread.[13]

In most of these States,[14] it is provided that rules governing the sanitary conditions of shops and the sterilization of tools are to be made by the State barber board and in a number of States subject to approval by the State board of health[15] or the local board of health.[1] In some States, it is required, by law[16] or regulation,[17] that these rules be posted in a conspicuous place. The sterilization

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[1] Delaware.

[2] Colorado, Connecticut, Delaware, Illinois, Kansas, Maryland, Michigan, Minnesota, Missouri, North Dakota, Oregon, Rhode Island, Texas, Utah, Washington, Wisconsin.

[3] Kansas, Missouri.

[4] Kansas, Porto Rico.

[5] Connecticut, New Hampshire.

[6] Porto Rico, Hawaii.

[7] Kansas.

[8] Colorado, Connecticut, Delaware, Illinois, Kansas, Maryland, Michigan, Minnesota, Missouri, North Dakota, Oregon, Rhode Island, Texas, Utah, Washington, Wisconsin.

[9] District of Columbia, Louisiana, South Dakota.

[10] Arkansas, District of Columbia, Louisiana, South Dakota.

[11] Colorado, Connecticut, Delaware, Kansas, Michigan, Minnesota, Missouri, North Dakota, Rhode Island, Utah, Washington.

[12] Colorado, Connecticut, Delaware, Illinois, Kansas, Michigan, Missouri, North Dakota, Rhode Island, Texas, Utah, Washington, Wisconsin.

[13] Colorado, Connecticut, Illinois, Kansas, Michigan, Minnesota, Missouri, North Dakota, Texas, Washington, Wisconsin.

[14] Colorado, Connecticut, Delaware, Illinois, Kansas, Missouri, Oregon, Rhode Island, Texas, Utah, Wisconsin.

[15] Connecticut, Illinois, Kansas, Michigan, Missouri, Rhode Island, Texas, Utah.

[16] Delaware, Michigan, Oregon, Rhode Island, Utah.

[17] District of Columbia, Kansas, Louisiana.

of tools before use is required in some laws [1] and after use in some laws [2] or regulations.[3] In one of these States [4] the law specifies that the sterilizing methods must be approved by the State board of health. Special sterilization of tools is required in some States [5] after the shaving of persons with skin disease. In other States it is provided that no person with any contagious or infectious disease,[6] or with syphilis, smallpox, diphtheria, scarlet fever, measles, barber's itch, ringworm, or tuberculosis,[7] or with inflamed, broken out or purulent skin [8] shall be served in barber shops. Use of fresh linen for each customer is required in some States,[9] and in others, special requirements are prescribed, such as cleansing of the barber's hands before serving a customer,[10] a supply of running hot water in shop,[10] discontinuing use of powder puffs, and sponges,[10] finger bowls,[11] common brushes unless disinfected after each use,[11a] and the application of alum or any substance to stop the flow of blood unless put on clean cloth or towel.[10]

Inspections of barber shops to ascertain sanitary conditions are provided as follows: Annually;[12] regularly;[13] when complaint is made;[14] at irregular periods; at any time during office hours.[15]

Barbers' certificates may be revoked for failure to observe sanitary rules,[16] for using unclean utensils,[17] for having contagious or infectious disease,[18] for imparting it,[19] or failing to prevent its spread.[20] If the shop is in an insanitary condition or the barber is charged with communicating any disease, the shop may be quarantined in some States[14] and the barber confined to his residence until the quarantine is raised by the local health officer. In other States, if the shop is found insanitary, it may be closed[12] or the person in charge prosecuted for maintaining a nuisance.[21] Special penalties for the violation of the provisions governing the sanitation of barber shops are provided in the other States.[22]

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[1] Colorado, North Dakota.
[2] New Hampshire, Washington.
[3] Arkansas, District of Columbia, Kansas, Louisiana, Mississippi.
[4] North Dakota.
[5] Colorado, Kansas, Oregon.
[6] Michigan, Utah.
[7] Kansas.
[8] District of Columbia and Louisiana (unless individual tools are used).
[9] Arkansas, Colorado, District of Columbia, Kansas, Louisiana, Mississippi, New Hampshire, South Dakota, Washington.
[10] Arkansas, District of Columbia, Kansas, Louisiana, Mississippi, New Hampshire, South Dakota.
[11] District of Columbia, Louisiana, South Dakota.
[11a] Pennsylvania. [12] Connecticut. [13] New Hampshire. [14] Illinois, Texas, Wisconsin.
[15] Delaware, Illinois, Kansas, Oregon, Rhode Island.
[16] Connecticut, Illinois, Missouri, Oregon, Rhode Island, Texas, Utah, Washington, Wisconsin.
[17] Maryland.
[18] Colorado, Connecticut, Michigan, Minnesota, North Dakota, Oregon, Washington, Wisconsin.
[19] Connecticut, Illinois, Kansas, Michigan, Texas, Washington.
[20] Kansas, Missouri.
[21] Delaware, Maryland, Michigan, Oregon, Rhode Island.
[22] District of Columbia, Michigan, Minnesota, Missouri New Hampshire, North Dakota, Oregon, Texas, Washington, Wisconsin.

PUBLIC BATHS.

In recent articles,[1] attention has been called to the important part that public baths and swimming pools may play in the dissemination of infection. The only provision so far made in the State laws in regard to sanitation of such places is that contained in the laws of Kansas and Porto Rico authorizing the State and Insular board, respectively, to issue sanitary regulations governing public bathrooms, and in the Massachusetts laws which authorize town authorities to make regulations for the management of public baths maintained by them and both town and city authorities to regulate, by means of licenses, the renting of bathing suits.

The Kansas regulations require the keeping of bathing establishments in a clean and sanitary condition, the providing of good ventilation, the use of clean towels for each customer, the thorough cleansing of tubs after each separate use, and efficient disinfection at least once every three months, and forbid the use of public bathrooms or bathhouses to persons with syphilis, gonorrhea, measles, scarlet fever, smallpox, diphtheria, barber's itch, ringworm, or tuberculosis, as well as the employment of any person with any communicable disease, including tuberculosis, in bathing establishments. The posting of these rules is also required, a penalty of not less than $5 nor more than $50 is provided for each violation of the same.

In Louisiana comprehensive regulations have been adopted by the State board of health providing for the sanitary construction and maintenance of swimming pools, weekly cleaning and disinfection, changing of water twice a week, thorough cleaning of bathers' bodies before entering the water, requiring the installation of cuspidors and the furnishing of individual towels, and forbidding tobacco chewing or smoking, promiscuous expectoration, and the use of the pools by persons with scabies, favus, eye trouble, tuberculosis, and venereal or any other contagious or infectious disease.

CONSTRUCTION CAMPS.

The failure to observe sanitary precautions in construction camps has often caused the dissemination of communicable diseases such as smallpox, typhoid fever, etc. In a number of States, by either law [2] or regulation of the State board of health,[3] an effort has been made to correct these conditions. Power is specifically granted to the State board of health to regulate sanitary conditions in convict camps in three States,[4] and in one[5] county health officers are required by

[1] The American City, April, 1913, p. 381.
[2] California, New Mexico, New York, Ohio, Virginia.
[3] Arkansas, Louisiana, Montana, North Dakota, Pennsylvania, Washington.
[4] Florida, South Carolina, Virginia.
[5] North Carolina.

law to render professional services to inmates of such camps. In five States[1] the sanitary precautions to be observed in construction camps have been prescribed by the State board of health, while in another State[2] the board has adopted as its own the regulations governing construction camps issued by the United States Reclamation Service.

Yearly inspections of construction camps by local health officers are required in the regulations of the State board of health in some States,[3] while in another State[4] the law makes it the duty of both the bureau of labor and the health department to inspect labor camps. In California the State board of health is charged with the enforcement of the law and has the power to condemn any camp in which conditions dangerous to the public health exist. In other States the laws provide that persons or corporations maintaining work camps must pay to the community in which the camp is maintained the expense caused by any communicable disease originating in the camp,[5] the establishment of pesthouses by corporations collecting money from their employees for medical attendance;[6] or, if no physician is regularly employed, employers of large bodies of laborers must have conditions inspected as often as the health authorities require.[7] In Connecticut, persons in charge of any structure used as a place of abode for laborers must within 72 hours after occupation notify the local health officer, who is required to inspect the premises within 5 days, and forbid use or order such changes as may be necessary to protect the health of the inmates.

TENEMENT HOUSES.

It has been said that the only advantage of living in a tenement rather than in an individual house is that the sanitary conditions of the former are carefully and regularly supervised, while those of the latter are not. As a matter of fact, however, in only a small number of States[8] do any provisions exist to regulate tenement-house sanitation, and in only a few of these States[9] do the laws apply to the entire State, their application in the others being limited to cities with more than 250,000 inhabitants,[4] to cities of the first and second class,[10] or to cities with 50,000 inhabitants.[11] In other

[1] Louisiana, Montana, North Dakota, Pennsylvania, Washington.
[2] Nevada.
[3] Arizona, Arkansas, Wisconsin (by law).
[4] New York.
[5] Ohio.
[6] New Mexico.
[7] Virginia.
[8] California, Connecticut, Illinois, Indiana, Kentucky, Massachusetts, New Jersey, New York, Pennsylvania, Porto Rico, Vermont, Wisconsin.
[9] California, Connecticut, Indiana, Massachusetts, New Jersey, Porto Rico, Vermont.
[10] Kentucky (Louisville only city of the first class).
[11] Illinois.

States some provisions are made enforceable in all parts of the State and others only in cities with more than 250,000 inhabitants and those cities with more than 10,000 and less than 250,000 inhabitants which adopt the provisions of the act,[1] or some provisions apply to all cities with more than 100,000 inhabitants and others only to cities with more than 1,000,000 inhabitants.[2] In only nine States [3] has tenement-house legislation of a comprehensive character been enacted, no attempt having been made in the laws of the other States to deal with the subject in an exhaustive manner. In some of the most important cities of the country [4] local ordinances or acts have also been adopted in regard to the subject.

In most of the States,[5] the laws define as a tenement house a building occupied by 3 or more families living independently of each other, and having a common right in the halls, or some of the stairways, water closets, etc. In Indiana, however,[6] the name applies to a house so occupied by 2 or more families. In Nebraska the law governing hotel sanitation applies also to apartment and rooming houses.

Among the requirements for tenement houses are the following: They shall not occupy more than 90 per cent,[7] or 85 per cent,[8] or 80 per cent [8] of a corner lot, and 75 per cent,[9] 70 per cent,[10] or 65 per cent [8] of any other lot; their height shall be limited to 1½ times the width of the street;[11] they shall have an open rear yard as long as the building,[12] or, unless it be a corner lot, at least 10 feet,[1] 11 feet,[13] 12 feet,[14] 15 feet,[8] or 16 feet [15] deep increasing in proportion to size, or a yard 20 per cent of the area of the lot and not less than 8 feet wide;[2] there shall not be erected rear tenements on the same lot;[16] there shall be open courts;[17] air intakes at bottom of inner courts,[18] and ventilating shafts or skylights,[19] protection against leaks and dampness of walls, etc.,[20] each apartment should have 1 room at least 120 square feet [21] or 150 square feet [22] of floor area, and all other rooms a floor area of 70 square

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[1] Wisconsin. [2] Pennsylvania.

[3] California, Connecticut, Indiana, Kentucky, Massachusetts, New Jersey, New York, Pennsylvania, Wisconsin.

[4] Chicago, St. Louis, Boston, Cleveland, Baltimore, Detroit, New Orleans, Washington, D. C., Kansas City, Mo., Providence, etc.

[5] California, Connecticut, Kentucky, New Jersey, New York, Wisconsin.

[6] Indiana.

[7] California, Connecticut, New Jersey, New York, Wisconsin.

[8] Connecticut, Kentucky.

[9] California, Wisconsin.

[10] Connecticut (75 per cent when lot is less than 60 feet deep), Kentucky.

[11] California, Indiana, New Jersey, New York.

[12] California, Connecticut, Indiana, New Jersey, New York, Wisconsin.

[13] Connecticut. [14] California, New York. [15] New York.

[16] Connecticut, Indiana, Kentucky, New Jersey, New York.

[17] California, Connecticut, Kentucky.

[18] Connecticut, Kentucky, New Jersey, New York.

[19] California, New Jersey, New York, Pennsylvania, Wisconsin.

[20] California, Connecticut, Kentucky, New Jersey, New York, Indiana, Pennsylvania, Wisconsin.

[21] California, Connnecticut, Indiana, New Jersey, New York.

[22] Kentucky.

feet,[1] or 84 square feet,[2] or 90 square feet,[3] a minimum height of 8 feet,[4] 8½ feet,[5] or 9 feet [6] in all rooms; at least 1 window in every room opening on a street, court, or yard,[7] the window area in each room to be at least one-eighth,[8] or one-tenth of the floor area,[8] and air space afforded to the extent of 500 cubic feet to each individual,[3] of 600 cubic feet for each adult and 400 cubic feet for each child,[2] or 500 cubic feet for each adult and 300 cubic feet for each child,[5] or 400 cubic feet for adults and 200 cubic feet for children.[9] Other provisions require that public halls shall have windows,[10] that no basement or cellar shall be used for living purposes,[11] or unless certain requirements as to height, lever over surface of ground, windows, ventilation, and sanitary construction are complied with,[12] the installation of water closets, well lighted and ventilated, in every apartment or if not exceeding a certain number of rooms in every 2 apartments; [13] furnishing of proper receptacles for garbage, refuse, etc.[13]

In most of the States[14] it is provided that tenement houses must at all times be kept clean by the owner and free from dirt, filth, and garbage, to the satisfaction of the authorities. Promiscuous spitting in the halls is forbidden in 3 States,[15] while if a tenement house becomes infected with any communicable disease, or unfit for habitation or dangerous to life or health on account of sanitary defects, the authorities may declare it a nuisance and proceed to its abatement,[16] or order it to be vacated by the occupants.[17] Tenement houses must be registered with the authorities in various States,[18] and inspected regularly by them.[19] Plans for the construction of new tenement houses must in several States[20] be approved by the authorities before the erection of the building. In addition to the above provisions, in one State,[21] tenement houses are subject to the same requirements as public buildings, if more than 9 persons reside above the second story, and also in another,[22] if having more than 2 stories. The State

[1] Connecticut, Indiana, New Jersey, New York.
[2] Kentucky.
[3] California.
[4] Pennsylvania.
[5] Connecticut.
[6] California, Indiana, New Jersey, New York.
[7] California, Connecticut, Kentucky, New Jersey, New York, Wisconsin.
[8] Indiana, Kentucky, New Jersey, New York, Pennsylvania, Wisconsin.
[9] Indiana, New Jersey, New York, Pennsylvania, Wisconsin.
[10] California, Connecticut, Indiana, Kentucky, New Jersey, New York, Pennsylvania.
[11] Indiana.
[12] California, Connecticut, Kentucky, New Jersey, New York, Pennsylvania, Wisconsin.
[13] California Connecticut, Kentucky, New Jersey New York, Indiana, Pennsylvania, Wisconsin.
[14] California, Connecticut, Indiana, Kentucky, New Jersey, New York, Pennsylvania, Wisconsin.
[15] Connnecticut, Massachusetts, Wisconsin.
[16] Wisconsin.
[17] Connecticut, Indiana, Kentucky, New Jersey, New York.
[18] California, Kentucky, New Jersey, New York, Pennsylvania, Wisconsin.
[19] California, Connecticut, Indiana, New Jersey, New York, Pennsylvania, Wisconsin.
[20] California, Connecticut, Illinois, New Jersey, New York, Pennsylvania, Wisconsin.
[21] Massachusetts.
[22] Vermont.

board of health is in one State[1] empowered to make investigations into the sanitary condition of tenement houses, in another [1a] the State board of health and in another[2] the State commissioner of health is empowered to investigate the enforcement of tenement-house laws, and in two insular possessions[3] to regulate the sanitary condition of tenements. In Pennsylvania, a bureau of housing has been recently created in the State department of health to investigate the sanitary conditions of tenement, lodging, and boarding houses, and when found insanitary, to condemn them or require the necessary improvements.

LODGING HOUSES.

The sanitary provisions governing tenement houses are also made applicable to lodging houses in several States,[4] in others[5] those for public buildings, and in others[3] those governing hotels. In California, the provisions requiring a certain air space in hotels for every individual apply also to lodging houses; while in Minnesota the State board of health is specifically empowered to make regulations for the sanitation of lodging houses and other public sleeping places kept for gain, quite comprehensive rules having been issued under this authorization.

INSANITARY DWELLINGS.

Mention has been made elsewhere[7] of the provisions governing the purification of infected premises and also[8] of the requirements which must be observed for the disposal of excreta. In addition, in various States the local health authorities are empowered, whenever satisfied that a cellar, room, tenement, or building occupied as a dwelling place has become, by reason of uncleanliness or other cause, unfit for occupancy and a cause of sickness to the occupants or the public, to require its being put in a sanitary condition or vacated.[9] The cleansing of houses, cellars, yards, etc., may, according to provisions in the statutes, be ordered by the local health authorities in case of the actual or threatened prevalence of disease,[10] or by the municipal authorities,[11] or by the city council or board of health [12] whenever necessary, in one of the insular possessions[13] it being made obligatory for owners or tenants to comply with legal regulations or ordinances in regard to cleanliness or sanitation of any house, dwelling, room, or vacant lot. Elaborate regulations by the insular authorities [13] have been issued providing for the disposal of

[1] New Jersey. [1a] Massachusetts. [2] New York. [3] Hawaii, Porto Rico.
[4] Connecticut, Hawaii, Illinois, Indiana, Pennsylvania, Porto Rico. [5] Massachusetts, Vermont.
[6] Alabama, Colorado, Georgia, Idaho, Illinois, Iowa, Kansas, Minnesota, Nebraska, Oklahoma, Rhode Island, Tennessee, Virginia, Washington.
[7] See p. 89. [8] See p. 103.
[9] Delaware, Iowa, Maine Massachusetts, New Hampshire Rhode Island. [10] Delaware.
[11] Texas. [12] Michigan. [13] Porto Rico.

garbage, an abundant supply of water, the screening of cisterns and water tanks, the keeping of water-closets and outhouses in sanitary condition, the condemnation of unhealthy houses by the insular director of sanitation, and the submission of plans for the building or alteration of houses to the director of sanitation for approval. In another State [1] any house, building, or manufacturing establishment certified by two physicians or three other persons affected by it to be in a condition dangerous to health is to be inspected by the State board of health, which may order necessary changes or improvements made. Power to regulate the construction of buildings is specifically conferred on local boards of health,[2] on county authorities,[3] and on municipal authorities,[4] the latter being also empowered to regulate, in one State,[5] not only the erection of buildings and their inspection, but the sanitary conditions, use, control, repair, and maintenance, number of occupants, mode and manner of occupancy, with a view to securing health, safety, and sanitation. In the two insular possessions [6] the board of health is authorized to make regulations governing the sanitary requirements of buildings and also of courtyards and alleys. In one of the States [7] any alley, lane, or passageway declared a public nuisance and menace to health by the health authorities may be, on petition of two or more owners of adjacent property, vacated by court proceedings, unless its closure would deprive any abutting lot of its sole means of egress. In the same State, but only in cities having more than 100,000 and less than 1,000,000 inhabitants, any building previously occupied by a person with a communicable disease or deemed unfit for use or dangerous to health or life by sanitary defects may be vacated by the local health authorities if the owner or occupant neglects to comply with the sanitary requirements prescribed, and if the sanitary defects can not be remedied the destruction of the building may be ordered. In the District of Columbia a board consisting of the assistant engineer, the health officer, and the inspector of buildings is empowered to examine all buildings, to condemn any which are in such insanitary condition as to endanger health or life, and to have them improved or vacated, demolished or removed, all expenses for the enforcement of the act being, however, dependent on the appropriations made by Congress for that purpose.[8] In New York a recent housing law contains sanitary requirements which, however, apply only to cities of the second class.

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[1] Maryland.
[2] Louisiana.
[3] Hawaii.
[4] Connecticut, Illinois, Maine.
[5] Ohio.
[6] Hawaii, Porto Rico.
[7] Pennsylvania.
[8] For inspection of buildings by health authorities, see p. 55.

PENALTIES.

Specific penalties are provided in practically all the States for violation of statutes relating to the public health. Thus, the neglect or refusal to observe the regulations of the State board of health is made punishable by a fine,[1] or fine or imprisonment or both.[2] The amount of the fine varies from a minimum of $1,[3] $5,[4] $10,[5] $15,[6] $20,[7] $25,[8] $50,[9] or $100 [10] to a maximum of $20,[7] $25,[11] $50,[12] $100,[13] $200,[14] $300,[15] $500,[16] or $1,000.[17] In some States [18] it is specifically provided that costs must also be assessed against the defendant, and in one State,[19] that the court may order the defendant to carry out at his own expense the order of the board. The maximum imprisonment is fixed at 30 days,[20] 1 month,[21] 60 days,[22] 2 months,[23] 90 days,[24] 3 months,[25] 6 months,[26] 250 days,[10] 1 year,[27] or 2 years,[28] and the minimum at 1 day,[3] 10 days,[22] 15 days,[23] 30 days,[29] or 50 days.[10] While in most States this applies to all regulations made by State boards of health, in a few [30] only to regulations adopted for the enforcement of quarantine or the prevention of the importation of disease.

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[1] Colorado, Georgia, Hawaii, Indiana, Iowa, Maryland, Missouri, Montana, Nebraska, New Mexico, Oregon, Vermont.

[2] Arkansas Connecticut, Florida, Idaho, Illinois, Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesta, Mississippi, Nevada, New Hampshire, North Carolina, Ohio, Oklahoma, Pennsylvania, Porto Rico, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming.

[3] Porto Rico.

[4] Indiana.

[5] Arkansas, Missouri, Montana, Oklahoma, Vermont.

[6] Nebraska.

[7] Iowa.

[8] Colorado, Louisiana, New Mexico, North Carolina, Washington, West Virginia, Wisconsin.

[9] Georgia, Idaho, Kansas, Kentucky, Tennessee.

[10] Nevada.

[11] Louisiana.

[12] Georgia, Indiana, Mississippi, North Carolina, Oklahoma, Rhode Island, Washington.

[13] Arkansas, Hawaii, Michigan, Montana, Nebraska, New Mexico, Ohio, Pennsylvania, Porto Rico, South Carolina, South Dakota, Vermont, Wyoming.

[14] Illinois, New Hampshire.

[15] Colorado, Idaho.

[16] Connecticut, Kansas, Kentucky, Maine, Maryland, Missouri, Nevada, Oregon, Tennessee, West Virginia, Wisconsin.

[17] Florida.

[18] Michigan, Vermont.

[19] Hawaii.

[20] Louisiana, North Carolina, Oklahoma, Porto Rico, South Carolina, Wyoming.

[21] Arkansas, Mississippi, Pennsylvania.

[22] Kansas, Kentucky.

[23] West Virginia.

[24] Idaho, Michigan, Ohio, Washington.

[25] Tennessee.

[26] Florida, Illinois, Maine, New Hampshire, South Dakota, Wisconsin.

[27] Connecticut.

[28] Wyoming.

[29] Idaho.

[30] Colorado, Connecticut, Idaho, Kansas, Kentucky, Maryland, Michigan, Missouri, New Hampshire, North Carolina, Rhode Island, West Virginia.

Violations of regulations of local boards of health.—Penalties are likewise provided for violations of regulations adopted by local boards of health. These penalties are in some States [1] identical with those imposed for neglect or refusal to comply with the regulations of the State health authorities. In the other States they consist of either fines,[2] or of both fine and imprisonment,[3] although in some of the latter States [4] no imprisonment can be imposed on first offenders. The fines vary from a minimum of $5,[5] $10,[6] $25,[7] or $50 [8] to a maximum of $10,[9] $25,[10] $50,[11] $100,[12] $200,[13] $300,[14] or $2,000,[15] and the imprisonment from a minimum of 10 days,[16] or 25 days [13] to a maximum of 10 days,[17] 30 days,[18] 1 month,[19] 90 days,[20] 3 months,[21] 6 months,[14] 1 year,[15] or a period at the discretion of the court.[10]

Health officers' failure to perform duty.—In some States specific penalties are imposed on health officers who fail to perform duties prescribed by law. Thus their failure to enforce the health laws is penalized by fines varying from a minimum of $5,[22] $10,[23] or $100 [24] to a maximum of $50,[25] $100,[26] $200,[27] or $1,000,[24] and in some States imprisonment varying from a minimum of 6 months [24] to a maximum of 30 days,[24] 3 months,[10] or 1 year.[24] Their failure to enforce or obey the regulations of the State board of health is punishable by fines varying from a minimum of $10,[28] or $15,[29] to a maximum of $50,[30]

[1] Illinois, Iowa, Minnesota, Oklahoma, Utah.
[2] Colorado, Connecticut, Iowa, Maryland, Montana, New Jersey (if prescribed by health authorities). Vermont, Virginia, West Virginia.
[3] Arizona, Delaware, Idaho. Illinois, Michigan, Mississippi, Nevada, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island (if prescribed by authorities), South Dakota, Tennessee, Washington, Wisconsin.
[4] Delaware, Ohio.
[5] Tennessee, Vermont.
[6] Arizona, Montana, New Hampshire, New Jersey, Virginia (for the first offense; $25, second offense).
[7] Washington, West Virginia.
[8] Nevada, Pennsylvania.
[9] Michigan, New Hampshire.
[10] Tennessee.
[11] Arizona, Maryland, Mississippi, Montana, North Carolina, Virginia.
[12] Colorado, Connecticut, Delaware, New Jersey, North Dakota, Ohio, Pennsylvania, South Dakota, Vermont, Washington, West Virginia, Wisconsin.
[13] Nevada.
[14] Rhode Island.
[15] New York.
[16] Pennsylvania.
[17] Michigan.
[18] Arizona, Delaware, North Carolina, North Dakota, Pennsylvania.
[19] Mississippi.
[20] Ohio, Washington.
[21] South Dakota, Wisconsin.
[22] Vermont (and costs).
[23] Arizona, North Carolina, North Dakota, Tennessee, Washington, West Virginia.
[24] Wyoming.
[25] Arizona, North Carolina, North Dakota.
[26] Tennessee, Vermont (and costs), West Virginia.
[27] Idaho, Minnesota, Montana, Utah, Washington.
[28] Oregon.
[29] Nebraska.
[30] Delaware (first offense; $200, successive offenses.)

$100,[1] or $200.[2] Their negligence or inefficiency in preventing the introduction of communicable diseases is penalized by a fine not exceeding $1,000, imprisonment not exceeding 3 months, or both fine and imprisonment;[3] their failure to report the establishment of quarantine to the State health officer by a fine of not less than $50 nor more than $100;[4] while their failure to report cases of communicable diseases to the State health authorities is made punishable by fines varying from a minimum of $5,[4] $10,[5] $25,[6] $50 [7] to a maximum of $25,[8] $50,[9] $100,[10] $200,[7] or $500,[11] or imprisonment not exceeding 30 days,[12] 90 days,[13] or 3 months,[14] or both fine and imprisonment.[15] In a number of States[16] provision is made for the removal of health officers who fail to discharge their duties by or at the request of State health authorities.

Failure to report disease.—Physicians who fail to report cases of communicable disease to the health authorities are subject to penalties consisting in either fines,[17] fine or imprisonment, or both fine and imprisonment.[18] The fines vary from a minimum of $1,[19] $5,[20] $10,[21] $20,[22] $25,[23] $50,[24] or $100[25] to a maximum of $5,[19] $25,[26] $50,[27] $100,[28] $200,[29] $500,[11] or $1,000;[30] and the imprisonment terms from a minimum of

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[1] Nebraska, Oregon.
[2] Minnesota, Montana.
[3] Oregon.
[4] Delaware (and costs), South Carolina.
[5] Nebraska, North Carolina, Tennessee.
[6] California, Kansas.
[7] Massachusetts.
[8] Connecticut, Delaware (and costs), South Carolina.
[9] North Carolina.
[10] Kansas, Michigan (and costs), Nebraska, Tennessee.
[11] California.
[12] North Carolina, South Carolina.
[13] California, Michigan.
[14] Tennessee.
[15] California, Tennessee.
[16] Arkansas, Idaho, Indiana, Kansas Maryland, Nevada, New York, North Dakota Oregon, South Carolina, Texas, Utah, Vermont, Washington.
[17] Alabama, Colorado, Connecticut, Delaware, Hawaii, Indiana, Kansas, Kentucky, Maryland, Massachusetts Michigan, Nebraska, New Jersey, New Mexico, North Dakota, Oklahoma, Oregon, Rhode Island, Texas, Vermont (and costs), Virginia, Washington, West Virginia.
[18] California, District of Columbia Florida, Idaho, New Hampshire, North Carolina, Pennsylvania, South Carolina Tennessee, Utah, Wisconsin, Wyoming.
[19] Virginia.
[20] Colorado, Delaware, District of Columbia, Kentucky (for each day), South Carolina, Wisconsin.
[21] Alabama, Hawaii, Indiana (first offense; $50 second offense; $100 third offense), Michigan, Nebraska, North Carolina (and $25 to any person suing for it), Oregon, Tennessee, Texas, Vermont, Washington.
[22] Pennsylvania, Rhode Island.
[23] California, Kansas, New Mexico, Oklahoma.
[24] Maryland, Massachusetts, New Jersey.
[25] New Hampshire, Wyoming.
[26] Connecticut, Delaware, South Carolina.
[27] Alabama, Florida, Idaho, Indiana (first offense; $100 subsequent offenses), Maine, Michigan, North Carolina (and $25 to any person suing for it), North Dakota, Vermont.
[28] Colorado, Hawaii, Kansas, Nebraska, New Mexico, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, West Virginia, Wisconsin.
[29] District of Columbia, Maryland, Massachusetts, Washington.
[30] Texas, Wyoming.

10 days[1] or 90 days[2] to maximum of 30 days,[3] 90 days,[4] 3 months,[5] 6 months,[6] or 1 year.[7] In many states[8] householders or other persons who fail to report cases under their care are subject to the same penalties as physicians. In others they are subject to fines not exceeding $20,[9] $25,[10] $50,[11] or $100,[12] or imprisonment not exceeding 90 days.[13]

Breach of quarantine.—The breaking of quarantine is specifically made a penal offense in many States, the punishment consisting in the imposition of fines,[14] and fine or imprisonment or both fine and imprisonment.[15] The fines vary from a minimum of $5,[16] $10,[17] $20,[18] $25,[19] or $50[20] to a maximum of $10,[2] $20,[18] $50,[21] $100,[22] $200,[23] $500,[24] or $1,000;[25] and the imprisonment from a minimum of 5 days,[23] or 10 days,[1] to a maximum of 30 days,[26] 90 days,[27] 3 months,[5] 6 months,[28] 1 year.[29]

In some States making false affidavits before health authorities[30] or failure to reply to questions put by them[31] is declared an offense subject to special penalties.

The exposure of persons with communicable diseases in public places or conveyances is in several States[32] subject to the same penalties imposed for breaking quarantine; in others[33] it is declared a

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[1] North Carolina, Pennsylvania.
[2] New Hampshire.
[3] Florida, North Carolina, Pennsylvania, South Carolina.
[4] California, Idaho, Wisconsin.
[5] Tennessee.
[6] District of Columbia, South Dakota.
[7] Wyoming.
[8] California, Delaware, District of Columbia, Idaho, Kansas, Maine, Montana, New Hampshire, New Mexico, North Carolina, Oregon, Rhode Island, South Dakota, Tennessee, Texas, Utah, Vermont, Wisconsin.
[9] North Dakota.
[10] Alabama.
[11] Indiana, New Jersey.
[12] Colorado, Hawaii, Kentucky, Maryland, Massachusetts, Michigan (and costs).
[13] Maryland, Michigan.
[14] Alabama, Kansas, Kentucky, New Hampshire, Oklahoma, Oregon, Texas, West Virginia.
[15] California, Connecticut, Delaware, District of Columbia, Hawaii, Idaho.
[16] Alabama, District of Columbia, North Carolina.
[17] Indiana, New Hampshire, Texas.
[18] Rhode Island.
[19] California, Kansas, Kentucky, Oklahoma, Pennsylvania, Washington, Wisconsin, Wyoming.
[20] Pennsylvania, Tennessee.
[21] Idaho, Indiana, Maine, North Carolina, Vermont.
[22] Alabama, Delaware, Kansas, Kentucky Oklahoma, Pennsylvania, South Carolina, Tennessee, Washington, West Virginia.
[23] District of Columbia.
[24] California, Connecticut, Hawaii, Nevada, Oregon, Wyoming.
[25] Texas.
[26] Delaware, North Carolina, Pennsylvania, South Carolina, Vermont.
[27] California, Idaho, Rhode Island, Washington.
[28] Connecticut, District of Columbia, Indiana, Nevada.
[29] Hawaii, Wyoming.
[30] Alabama, Texas.
[31] Massachusetts.
[32] District of Columbia, Kansas, Maine, Oregon, Pennsylvania, Rhode Island, Texas.
[33] Arizona, California, Minnesota, Montana, New Jersey, New York, North Dakota, Oklahoma, Porto Rico, South Dakota, Utah, Washington.

misdemeanor subject to the penalties prescribed in the criminal statutes for this kind of offenses; while in others the penalties imposed consist in fines not exceeding $10,[1] $100,[2] $200,[3] $300,[4] $500,[5] or $1,000,[6] and imprisonment not exceeding 30 days,[7] 90 days,[8] 3 months,[9] 100 days,[10] or 12 months.[11] Special penalties are also imposed in many States on vessels[12] or railroads[13] which violate quarantine provisions; on travelers from infected places who fail to observe the directions of the health authorities;[14] and on persons who violate the regulations governing isolation hospitals;[15] while in several States[16] the unauthorized destruction or removal of placards is made the subject of special penalties or punishable by the same penalties specified for violations of quarantine measures.

Resistance to health officers.—Resistance to health officers or obstructions to the execution of their orders are offenses which are made the subject of specific penalties in many States. In some[17] the same punishment imposed for violating quarantine is prescribed; in others[18] such offense is declared a misdemeanor; while in a few special penalties are imposed consisting in fines not exceeding $50,[19] $100,[20] $500,[21] or $1,000,[22] or imprisonment not exceeding 30 days,[19] 90 days,[20] 6 months,[22] or 12 months.[21] In one State[23] persons who interfere with a quarantine officer or guard in the discharge of his duties are punishable by a fine of not less than $50 nor more than $100, persons who resist arrest by quarantine officers are punishable by a fine of not less than $100 nor more than $200, while any quarantine officer who uses violence or displays weapons for the purpose of

[1] Virginia.
[2] Iowa, Michigan, Mississippi, Ohio, Wisconsin.
[3] Tennessee.
[4] Idaho.
[5] Maryland.
[6] Kentucky (for smallpox).
[7] Iowa, Mississippi (for smallpox only).
[8] Michigan, Ohio.
[9] Idaho, Tennessee.
[10] Wisconsin.
[11] Maryland.
[12] Alabama, California, Connecticut, Delaware, Georgia, Hawaii, Iowa, Maine, Massachusetts, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Virginia, West Virginia, Wisconsin.
[13] Alabama, Delaware, Florida, Indiana, Kansas, Kentucky, Maine, Michigan, Minnesota, Montana, New Mexico, Ohio, Rhode Island, South Carolina, West Virginia, Wisconsin.
[14] Alabama Maine, Massachusetts, Michigan, New Mexico, North Carolina, Washington.
[15] Colorado, Maine, Massachusetts, Michigan.
[16] California, Delaware, District of Columbia, Idaho, Louisiana, Maine, New Hampshire, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Washington, Wisconsin.
[17] Delaware, District of Columbia, Maine, Pennsylvania.
[18] Minnesota, Montana, New York, North Dakota, Oklahoma, South Dakota, Utah.
[19] Vermont.
[20] Ohio.
[21] New Hampshire.
[22] Florida.
[23] Alabama.

intimidating people is to be fined, on conviction, not less than $100 nor more than $200.

Disinfection.—In the majority of the States making disinfection obligatory [1] violations of these provisions would be punishable by the same penalties attached to a breach of quarantine measures. In a number of States special penalties are, however, imposed in such cases. Thus failure to disinfect a house when required by the health authorities is punishable by fines not exceeding $5 [2] or $10; [3] the renting of houses which have not been disinfected following a case of communicable disease is declared a misdemeanor [4] or penalized by fines not exceeding $50,[5] $200,[6] or $300,[2] or imprisonment not exceeding 90 days [6] or 3 months; [2] the selling, exposing, or hiring, etc., of infected clothing or goods is subject to similar penalties; [7] the failure of a householder to perform terminal disinfection [8] or to notify the health authorities of the need for such disinfection [9] is punishable by fines not exceeding $100, and the failure of drivers to disinfect public conveyances occupied by persons with communicable disease is declared a misdemeanor [10] or made punishable by fines not exceeding $25 [9] or $50.[5]

Blanket penalties.—In several States the laws contain broad provisions penalizing the violation of any health or quarantine act for which no specific penalty is provided. These penalties consist in most States in fines or imprisonment or both fine and imprisonment. The amount of the fine varies from a minimum of $25 [11] to a maximum of $50,[5] $100,[12] $500,[13] $1,000,[14] or $2,000,[15] and the maximum imprisonment is fixed at 3 months,[16] 6 months,[13] or 1 year.[17]

Special penalties.—Special penalties are provided in a number of States for the commission of certain offenses against the public health, among these being:

Conspiring against the public health.[18]

Inoculating any communicable disease with a view to its spread.[19]

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[1] See p. 88.
[2] Idaho.
[3] Maine, Maryland.
[4] New Jersey, Utah.
[5] Maine.
[6] Ohio.
[7] Idaho, Maine, Maryland, Nevada, Ohio, Utah.
[8] Massachusetts.
[9] Maryland.
[10] Utah.
[11] New Mexico.
[12] New Mexico, Wisconsin.
[13] Connecticut.
[14] California, Minnesota, Montana.
[15] New York, North Dakota, Oklahoma, South Dakota.
[16] Wisconsin.
[17] California, Montana, New York, North Dakota, Oklahoma, South Dakota.
[18] Idaho, Mississippi, Porto Rico.
[19] Alaska, Oregon, Texas, Vermont.

Inoculating smallpox or any venereal disease.[1]

Inoculating smallpox with a view to its spread.[2]

Importing or spreading any communicable disease.[3]

Importing or spreading smallpox.[4]

Importing smallpox matter with a view to the spread of the disease.[5]

Bringing person with communicable disease into any locality.[6]

Exposing, selling, etc., infected clothing or goods to cause the spread of disease.[7]

Bringing infected articles in violation of health regulations.[8]

Resisting removal of infected persons to hospital.[9]

Removing patient contrary to law or regulations of the State board of health.[10]

Harboring lepers.[11]

Nonmedical person attending puerperal-fever patient.[12]

Maintaining insanitary privies or water-closets.[13]

Depositing unburied excreta in public places.[13]

Contaminating water supply with excreta.[14]

Causing the stagnation of water.[15]

Violating laws forbidding use of common drinking cups[16] or roller towels.[17]

Violating law for the destruction of rodents.[18]

Selling milk from infected premises or produced under insanitary conditions.[19]

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[1] Oklahoma.
[2] Georgia, Iowa, Kansas, Maine, Michigan, New Hampshire, Virginia, Wisconsin.
[3] Mississippi, Utah, Vermont, Virginia.
[4] Kentucky, Oregon, Rhode Island.
[5] New Hampshire, Virginia.
[6] Michigan, Texas, Utah.
[7] Missouri, Montana, Wyoming.
[8] Colorado.
[9] Maryland.
[10] Iowa.
[11] Hawaii, Louisiana, Texas.
[12] Arizona, Delaware, District of Columbia, Florida, New Mexico, Ohio.
[13] Ohio, Oregon, West Virginia, Wyoming.
[14] Connecticut, Kansas, Maryland, Massachusetts, Minnesota, Montana, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Oregon, Utah, Vermont, West Virginia, Wisconsin.
[15] Delaware, Hawaii, Indiana, Massachusetts, Nebraska, New Jersey, North Carolina, Ohio.
[16] Colorado, Connecticut, Hawaii, Illinois, Kentucky, Maryland, Massachusetts, New Hampshire, New Jersey, etc.
[17] Connecticut, Massachusetts, Wisconsin, etc.
[18] California.
[19] California, Connecticut, Illinois, District of Columbia, Maine, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Virginia.

Failing to observe sanitary provisions required of food establishments,[1] bakeries, etc.,[2] slaughterhouses,[3] and hotels.[4]

Violating laws relating to railroad sanitation.[5]

Attending school from infected premises.[6]

Employing in school persons with tuberculosis.[7]

Violating laws relative to factory sanitation.[8]

Violating laws relative to tenement-house sanitation or sanitary housing.[8]

PROSECUTIONS.

In the discussion of the various provisions for the control of communicable diseases mention has been made of the authority charged with their enforcement. In various States it is expressly stated that proceedings for the prosecution of crimes or offenses against the health laws are to be instituted by the State board of health [9] by the secretary,[10] by the secretary on the order of the president,[11] by the State commissioner of health,[12] by the State board of health or its secretary,[13] and by local health authorities.[14]

In some States[15] a lawyer is employed by the State board of health; in one,[16] part of its appropriation may be spent for legal advice, while in others the attorney general[17] or the district or county attorneys[18] are to assist health authorities in the enforcement of the laws. Public prosecuting attorneys of both counties and cities are naturally expected to prosecute offenses against the public health classed

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[1] California, Connecticut, Illinois, Indiana, Missouri, New Hampshire, New Jersey, North Dakota, Ohio, Tennessee, etc.

[2] Massachusetts, Minnesota, New Jersey, New York, Oklahoma, Pennsylvania, Rhode Island, Washington, Wisconsin, etc.

[3] Delaware, Florida, Idaho, Kansas, Maine, Massachusetts, Michigan, New Jersey, New Mexico, Oklahoma, Oregon, Pennsylvania, Porto Rico, etc.

[4] Alabama, Florida, Georgia, Idaho, Illinois, Kansas, Minnesota, Mississippi, Nebraska, Oklahoma, Tennessee, Virginia, Washington, etc.

[5] Michigan, Mississippi, Texas, Utah.

[6] Arizona, California, Idaho, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Missouri, New Hampshire, New Jersey, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Tennessee, Texas, Utah, Virginia, Washington, Wisconsin.

[7] Hawaii, Indiana (or syphilis), New Mexico, Pennsylvania.

[8] In all States having such laws.

[9] Colorado, Maryland.

[10] Oregon.

[11] Delaware, Georgia, Ohio.

[12] New York.

[13] Illinois.

[14] Massachusetts, Montana, New Jersey, New York.

[15] California, Illinois, Louisiana.

[16] Alabama.

[17] Ohio, Oklahoma, Porto Rico, Rhode Island, Texas, Wisconsin.

[18] Colorado (apparently), District of Columbia, Florida (apparently only when law relating to reporting of disease is violated), Illinois (apparently only when rules of the State board of health are violated), Indiana, Kansas, Kentucky, Maine (apparently only when laws relating to vaccination or reporting of disease are violated), Michigan, North Carolina (apparently only to prosecute chairman county board of supervisors when he fails to enforce health laws), Oklahoma, Tennessee, Vermont, West Virginia (apparently only laws relating to vaccination), Wisconsin (apparently only laws relating to reporting of disease.)

as misdemeanors. In many States [1] it is also stated that all State or local officers are to aid in such enforcement. A lawyer forms part of the State board of health in some States [2] and the attorney general in many others,[3] the district attorney forming part of the county board of health in several States.[4] In one State [5] prosecutions are made by the county health officer himself, who must be an attorney by profession.

COURT DECISIONS.

Health authorities depend on the courts not only to enforce penalties for violations of sanitary laws, but also to settle the validity of specific legislative provisions. As practically all health measures involve some application of the police power, carrying with it a restriction of individual rights on behalf of public interests, the determination of what is a proper and legitimate exercise of this power rests finally with the courts.

A review has, therefore, been made of cases in which the control of communicable diseases was the question at issue, and the results have been given in a collection of excerpts and citations of those decisions which were considered of special interest. A more or less arbitrary classification of these decisions has been made under the following headings: Interstate and intrastate quarantine, Notification of disease, Quarantine, Placarding, Assistance to patients, Diagnosis, Laboratories, Immunization, Removal, Hospitals, Disinfection, Leprosy, Public exposure, Transmission of disease, Powers and liability of authorities, Insects, Excreta disposal, Milk, Second-hand goods, Factory sanitation, Sweatshops, Laundries, Barber shops, Railroads, Schools, and Housing.

It is believed that the study of these decisions can not help being profitable to anyone concerned with health work, and the principles which govern it from a legal standpoint in its relation to the individual and the community.

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[1] Delaware, Hawaii, Illinois, Maine, Nebraska, Ohio, Oregon, Washington, Wisconsin, Wyoming.
[2] Connecticut, Porto Rico.
[3] Arizona, Hawaii, Idaho, Iowa, Maryland, Montana, Nebraska, New Hampshire, North Dakota, Ohio, South Carolina.
[4] Arizona, North Dakota, South Dakota, West Virginia.
[5] Connecticut.

APPENDIX.

COURT DECISIONS.

INTERSTATE AND INTRASTATE QUARANTINE.

UNITED STATES.

Scope of State quarantine laws.—They (inspection laws) form a portion of that immense mass of legislation, which embraces everything within the territory of a State, not surrendered to the general government, all which can be most advantageously exercised by the States themselves. Inspection laws, quarantine laws, health laws of every description, as well as laws for regulating the internal commerce of a State, and those which respect turnpike roads, ferries, etc., are component parts of this mass.

* * * * * * *

The acts of Congress, passed in 1796 and 1799, empower and direct the officers of the general government to conform to, and assist in the execution of the quarantine and health laws of a State, proceeding, it is said, upon the idea that these laws are constitutional. It is undoubtedly true, that they do proceed upon that idea; and the constitutionality of such laws has never, so far as we are informed, been denied. But they do not imply an acknowledgment that a State may rightfully regulate commerce with foreign nations, or among the States, for they do not imply that such laws are an exercise of that power, or enacted with a view to it. On the contrary, they are treated as quarantine and health laws, are so denominated in the acts of Congress, and are considered as flowing from the acknowledged power of a State, to provide for the health of its citizens. But, as it was apparent that some of the provisions made for this purpose, and in virtue of this power, might interfere with, and be affected by the laws of the United States, made for the regulation of commerce, Congress, in that spirit of harmony and conciliation, which ought always to characterize the conduct of governments standing in the relation which that of the Union and those of the States bear to each other, has directed its officers to aid in the execution of those laws; and has, in some measure, adapted its own legislation to this object, by making provision in aid of those of the States. But, in making these provisions, the opinion is unequivocably manifested that Congress may control the State laws, so far as it may be necessary to control them, for the regulation of commerce. (Gibbons *v.* Ogden, 9 Wheaton, 203, 205.)

Police power of States not to interfere with powers of the Federal Government.—The police power of a State cannot obstruct foreign commerce or interstate commerce beyond the necessity for its exercise; and under color of it objects not within its scope cannot be secured at the expense of the protection afforded by the Federal Constitution, and as its range sometimes comes very near to the field committed by the Constitution to Congress, it is the duty of

the courts to guard vigilantly against any needless intrusion. (Railroad Co. *v.* Husen, 95 U. S. Rep. 465.)

Interstate quarantine laws by the States valid until displaced by act of Congress.—It may be conceded that whenever Congress shall undertake to provide for the commercial cities of the United States a general system of quarantine, or shall confide the execution of the details of such a system to a National Board of Health, or to local boards, as may be found expedient, all State laws on the subject will be abrogated, at least so far as the two are inconsistent. But until this is done, the laws of the States on the subject are valid.

Quarantine laws belong to that class of State legislation, which whether passed with intent to regulate commerce or not, must be admitted to have that effect, and which are valid until displaced or contravened by some legislation of Congress. (Morgan *v.* Louisiana, 118 U. S. Rep. 455.)

Until Congress acts, State quarantine laws valid exercise of the police power.—While it is true that the power vested in Congress to regulate commerce among the States is a power complete in itself, acknowledging no limits other than those prescribed in the Constitution, and that where the action of the State in the exercise of their reserved power comes into collision with it, the latter must give way, yet it is also true that quarantine laws belong to that class of State legislation which is valid until displaced by Congress, and that such legislation has been expressly recognized by the laws of the United States, almost from the beginning of the Government.

Even if Congress had remained silent on the subject, it would not have followed that the exercise of the police power in this regulation, although necessarily operating on interstate commerce, would be therefore invalid. Although from the nature and subject of the power to regulate commerce it must be ordinarily exercised by the National Government exclusively, this has not been held to be so where in relation to the particular subject matter different rules might be suitable in different localities. At the same time, Congress could by affirmative act displace the local laws, substitute laws of its own and thus correct any unjustifiable and oppressive exercise of power by State legislation. (Louisiana *v.* Texas, 176 U. S. Rep. 1.)

Validity of quarantine regulations made by State health authorities a question for State courts.—(See Louisiana *v.* Texas, 176 U. S. 1.)

Quarantine laws of the States not repugnant to the Constitution of the United States.—The health and quarantine laws of the several States are not repugnant to the Constitution of the United States, although they affect foreign and domestic commerce, as in many cases they must necessarily do so in order to be efficacious, because until Congress has acted under the authority conferred upon it by the Constitution, such State health and quarantine laws producing such effect on legitimate interstate commerce are not in conflict with the Constitution. True is it that, in some of the cases relied on in the argument, it was held that a State law absolutely prohibiting the introduction, under all circumstances, of objects actually affected with disease, was valid because such objects were not legitimate commerce. But this implies no limitation on the power to regulate by health laws the subject of legitimate commerce. In other words, the power exists until Congress has acted, to incidentally regulate by health and quarantine laws, even although interstate and foreign commerce is affected, and the power to absolutely prohibit, additionally obtains where the thing prohibited is not commerce, and hence not embraced in either interstate or foreign commerce. (Comp. Franc. de Nav. a Vapeur *v.* Louisiana State board of health, 186 U. S. 391.)

Immigration law of 1891 valid.—Law forbidding certain classes of alien immigrants to land in the United States is constitutional and valid. (Ekiu *v.* United States, 142 U. S. 651.)

Detention and disinfection of immigrants by State authorities not unconstitutional.—The detention and disinfection of immigrants by order of a State board of health with the purpose of prevention of disease is not a regulation of foreign commerce by a State, within the measure of constitutional prohibitions. The right of the several States to establish and enforce quarantine regulations is not limited by any existing treaty. In enforcing its quarantine regulations a State may detain immigrants from non-infected places who have traveled with others from infected places. The enforcement of the quarantine regulations of a State against immigrants cannot be restrained by injunction in a federal court, although the persons detained have been examined and passed by federal health officers. The costs and charges of quarantine inspection under State laws may be lawfully imposed upon the carrier which brings the suspected passengers into the country, as being incident to the business in which it is engaged. (Minn., St. Paul, & S. S. M. Ry. Co. *v.* Milner et al., 57 Fed. Rep. 276.)

Meaning of "port of departure" in quarantine law.—The "port of departure" referred to in the act of Congress of 1893 at which a merchant ship bound for the United States must procure a bill of health from the consul or consular officer of the United States, is the port of clearance, and obtaining such bill of health at the last port at which a vessel stops before reaching the United States is not sufficient, unless that is the port of clearance. (The Dago, 61 Fed. Rep. 986.)

Vessels must obey State quarantine laws.—The fullest respect is required by the Federal laws from public and private vessels for local quarantine regulations adopted under the provisions of State laws. (The Dago, ut supra.)

Validity of State quarantine regulations.—Quarantine regulations are essential measures of protection which the States are free to adopt when they do not come into conflict with Federal action. In view of the need of conforming such measures to local conditions. Congress from the beginning has been content to leave the matter for the most part, notwithstanding its vast importance, to the States, and has repeatedly acquiesced in the enforcement of State laws. Such laws undoubtedly operate on interstate and foreign commerce; they could not be effective otherwise. They can not, of course, be made the cover for discriminations and arbitrary enactments having no reasonable relation to health; but the power of the State to take steps to prevent the introduction or spread of disease, although interstate and foreign commerce are involved (subject to the paramount authority of Congress, if it decides to assume control), is beyond question. (Simpson *v.* Shepard (U. S.), 33 Sup. Ct. R., 729.)

Observance of State quarantine laws.—While, under its power to regulate foreign and interstate commerce, the authority of Congress to establish quarantine regulations and to protect the country, as respects its commerce, from contagious and infectious diseases has never in recent years been questioned, such power has been allowed to remain in abeyance, and Congress, doubtless in view of the different requirements of different climates and localities and of the difficulty of framing a general law upon the subject, has elected to permit the several States to regulate the matter of protecting the public health as to themselves seemed best. (Bartlett *v.* Lockwood, 160 U. S., 361.)

Apparent discrimination in quarantine regulations.—Regulations with respect to quarantining against yellow fever, providing for an exception in the case of "vessels bound for ports in the United States north of the southern boundary

of Maryland, with good sanitary condition and history, having had no sickness on board at ports of departure, en route, or on arrival, provided they have been five days from last infected or suspected port," were held not to constitute a discrimination within the meaning of this statute. (1896, 21 Op. Atty. Gen., 446.)

Regulations governing inspections.—The inspection of maritime quarantines, State and local, as well as national, may be the proper subject of Treasury regulations. (1893, 20 Op. Atty. Gen., 645.)

Construction of expression "tropical American port."—In the Federal quarantine regulation authorizing the placing in quarantine of vessels arriving between May 1 and November 1 from "a tropical American port," the word "American" is to be construed as meaning the continent of America or the Western Hemisphere, and not the United States. (Gow *v.* Gans S. S. Line, 174 Fed. Rep., 215.)

ALABAMA.

No implied power in municipalities to enforce intrastate quarantine.—A municipality has no implied power to establish quarantine regulations and is not liable for the compensation of an officer employed to enforce quarantine regulations against a neighboring town in which an epidemic occurs. (New Decatur *v.* Berry, 90 Ala. Rep. 432.)

FLORIDA.

Powers of county boards of health in regard to quarantine of vessels.—A county board of health in Florida cannot require a vessel to deviate 6 miles from its course to reach a quarantine station for inspection. If a vessel is not liable to quarantine, after the determination of that fact, any detention thereof or any interference with the passage of United States officers to and from the vessel is unreasonable. An existing and lawfully established quarantine is necessary to the validity of regulations made by a board of health restricting visits to vessels which enter a port, especially in the case of United States officers. (Forbes *v.* Escambia County Board of Health, 28 Fla. Rep. 26.)

Vessels may be charged for quarantine services.—A county board of health may charge a vessel for quarantine services where proper provision has been made therefor by statute. (Ferrari *v.* Escambia County Board of Health, 24 Fla. Rep. 390.)

(For charges to vesesls see also, Harrison *v.* Baltimore, 1 Gill, 264.)

GEORGIA.

Powers, health officer, to detain railroad passengers.—A health officer who has authority to pass on the sufficiency of the health certificate of a passenger on a railroad train, to entitle the latter to enter a city under quarantine regulations, has also, by necessary implication, authority to prevent him from entering such city, if the certificate, under the health regulations in force, was not such as to entitle him to do so. The conductor is not bound to contest with the health officer the propriety or legality of the exercise of his power and authority in the particular instance, as the sufficiency of the health certificate is a question for the health officer and not for the conductor. (Baldwin *v.* Seaboard Air Line R. R. Co., 128 Ga., 567.)

KENTUCKY.

Interstate or intrastate quarantine cannot be maintained by any board without specific legislative authority conferring that power.—The powers conferred by section 2055 of the Kentucky statutes seem sufficient to authorize a county board of health to establish and maintain quarantine in behalf of one city or county against another city or county within the State, but such power can not be exercised by a county board or the State board as against another State or county thereof without express legislative authority, specifying the conditions and limits on which such quarantine shall be maintained. In the absence of such legislative authority, the enforcement of quarantine regulations by one State against another would violate the comity that should exist between them, and perhaps constitute an interference with interstate commerce.

A board of health is an instrumentality of government created for convenience and invested with such powers as will enable it to protect the general health of the State, county, or community over which it is given jurisdiction.

It seems to be well settled that health officers, when by statute authorized to take action for the prevention of the spread of disease, are not liable for injuries resulting from such reasonable and customary measures as they may in good faith adopt or direct for that purpose with regard to persons or matters subject to his jurisdiction. (Allison *v.* Cash (Ky.), 137 S. W. Rep., 245.)

MICHIGAN.

Inspection of baggage.—A rule of the State board of health requiring the inspection of all baggage without making a prerequisite to the inspection that the baggage comes from an infected locality is broader than the statute[1] vesting in the State board of health the power to make such inspections and cannot be sustained. (Hurst *v.* Warner, 102 Mich. 238.)

MISSOURI.

Power to make quarantine regulations may be delegated to cities.—A statute delegating to a city the power to make quarantine regulations is not unconstitutional. (Metcalf *v.* St. Louis, 11 Mo. Rep. 102.)

Latitude allowed in making real quarantine regulations.—If the real design of an ordinance is as a quarantine regulation to guard against the introduction of disease, a court will not undertake to determine whether some other measure interfering less with commerce could not as well have accomplished the object. (St. Louis *v.* Boffinger, 19 Mo. Rep. 13.)

NEW YORK.

Local ordinances not to interfere with State quarantine laws.—A local ordinance prohibiting all persons from passing from a State quarantine inclosure situated in a town into any other part of the town is invalid, as it conflicts with the powers conferred by the State on its quarantine officers.

The public health is doubtless an interest of great delicacy and importance. Whatever power is in fact necessary to preserve it will be cheerfully conferred by the legislature and carried into full effect by the courts.

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[1] See p. 428.

But it can never be permitted that, even for the sake of the public health, any local inferior board or tribunal should repeal statutes, suspend the operation of the constitution, and infringe all the natural rights of the citizens. (People *v.* Roff, 3 Park Crim. Rep. 216.)

NORTH CAROLINA.

Ordinances restricting traffic cannot be made retroactive.—A town ordinance prohibiting any person from a certain place described as infected with smallpox to enter the town is valid, but applies only to those who come directly or immediately from that place and not to those who had not been there after the passage of the ordinance. (Salisbury Comm'r's. *v.* Powe, 51 N. C. Rep. 134.)

PENNSYLVANIA.

Damages may be recovered for arbitrary detention of vessel.—When a vessel is in a condition of cleanliness and freedom from malignant disease, which entitles her owners to take her to sea, the purely arbitrary detention of the vessel by a board of health entitles the owners to a recovery for the damages suffered, and the city is liable therefor. (Sumner *v.* Philadelphia, 9 Phila. 408.)

WISCONSIN.

Power of State board of health to make regulations.—The State board of health has no legislative power properly so called, and none could be delegated to it. It is purely an administrative body. It can not be doubted but that under proper general provisions of law in relation to the prevention and suppression of dangerous contagious diseases, authority may be conferred by the legislature upon the State board of health, or local boards, to make reasonable rules and regulations for the carrying into effect such general provisions which will be valid and may be enforced accordingly. The making of such rules and regulations is an administrative function, and not a legislative power. As to the matter of inspection authorized by section 1409*b* (S. & B. A. S.) to ascertain the presence of the introduction of Asiatic cholera, or other dangerous and contagious diseases, and the power conferred upon the inspector to enter any building, vessel, railway car,. etc., as well as the quarantine authorized by section 1409*b* (S. & B. A. S.), the power of the State board of health to make proper rules and regulations to effectuate the general purposes thus declared would seem to be free from doubt. (State *v.* Burdge, 95 Wis., 390.)

NOTIFICATION OF DISEASE.

CALIFORNIA.

Transmission of health reports to governor proper action.—Where the State board of health and the governor are engaged in an investigation to determine the existence of plague, it is not illegal for the board to transmit to the governor, as directed by him, reports of the disease filed with the board. (McClatchy *v.* Matthews, 67 Pac. Rep. 134.)

CONNECTICUT.

Ordinance requiring reports of disease valid.—The ordinance of the city of Bridgeport requiring every physician having any patient within the city limits sick with smallpox or varioloid, or other contagous or pestilential disease, to report the fact to the mayor or to the clerk of the board of health, together with

the name of the patient and the street and number of the house where treated, under a penalty not exceeding $50 for each violation of the ordinance was held to be valid and not conflicting with the constitutional rights of the citizens, the legislature having power to authorize its enactment by the common council.

"The unequality of burden of which the defendant complains is only in seeming. Persons offering their services to the public as healers of disease and requiring pecuniary compensation therefor thereby assert their ability to detect the presence of it when the great mass of the people can not. The people accede to the truth of their assertion, and in the matter of life surrender themselves to their keeping. Of course an ordinance in the interest of life must detect the presence of a fatal contagious disease at the earliest possible moment. Therefore with impartial action it compels that member of the community who is the first to have sight and knowledge of it to give note of warning to others from whom its presence is hidden. It would be idle to require, indeed there would be danger in accepting, this service from those who can not see or do not know. The burden is made to rest upon every member of the only class which is in a condition to contribute anything to the accomplishment of the purpose of the ordinance." (State *v.* Wordin, 14 Atl. Rep., 801.)

DISTRICT OF COLUMBIA.

Convictions to be based on sufficient evidence.—The conviction in the police court of a physician on an information based on act of Congress of December 20, 1890, requiring every physician who becomes aware of the existence of any case of scarlet fever or diphtheria in his charge to report the same to the health office, is not supported by evidence that the defendant, a physician in charge of a charitable dispensary at which contagious diseases were not treated, examined a child brought to the hospital for treatment, diagnosed the case as one of diphtheria, declined to prescribe, and refused to take charge of the case, suggesting that the child be taken home and isolated and a physician called in, and that he had failed to report the case to the health office. (Johnson *v.* District of Columbia, 27 App. D. C., 259.)

IOWA.

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Law requiring reports by physicians valid.—2. The statute requires the collection of statistics pertaining to the population of the State and the health of the people which may impart information useful in the enactment of laws and valuable to science and the medical profession, to whom the people look for remedies for disease and for means tending to preserve health. The objects of the statutes are within the authority of the State, and may be attained in the exercise of its police power. Similar objects are contemplated by statutes requiring a census to be periodically taken, the constitutionality of which we have never heard questioned.

3. We need not inquire whether the requirements of the statute are unjust or oppressive. These are matters for the consideration of the legislative part of the Government. We may observe that it is difficult to discover oppression or injustice in requiring the medical profession to make known to the world statistics which may promote and are promoting the public health.

4. One ground of the demurrer is that defendant, under the statute, is required to do that which it is impossible for him to perform. The law requires of no man impossibilities. If the information sought from defendant could

not have been obtained by him in the bona fide exercise of reasonable diligence, the law will not punish him for not imparting it. A physician should honestly endeavor to obtain and report all information required by the regulations of the statute and the board of health. This is his duty as a surgeon and is imposed as an obligation by the ethics of the useful and honorable profession of which he is a member. * * * (Robinson, Clerk, etc., *v.* Hamilton, 14 N. W. Rep., 202.)

MICHIGAN.

Time and manner of rendering reports.— * * * It is true that the evidence showed that a week or ten days after these children had been pronounced by the defendant as suffering from diphtheria, he stated to the health officer, Mr. John, as the health officer testifies, that "they had diphtheria at Lotharias' and Heft's," and that immediately after the board of health took steps to prevent its spread. Yet this was not the notice required by the statute, which is to be in writing, giving the name, place of residence, and nature of the disease. Upon this branch of the case the court directed the jury that it was a question for them to determine whether the defendant failed to report the cases within a reasonable time after he discovered the existence of the disease, and that in cases like diphtheria, where the disease is virulent and rapid in its action, eight days were not a reasonable time. There was no error in this charge, and we think the court would have been justified in saying that no notice was given at all, as required by the statute. * * * (People *v.* Brady, 51 N. W. Rep., 537.)

Any disease really dangerous to be reported.—A statute[1] requiring reports of cases of smallpox, cholera, diphtheria, scarlet fever, "or any other disease dangerous to the public health" covers cases of any disease which is in fact dangerous to the public health, this to be determined by jury trying the case, the fact that the disease is not in the same class with the other diseases as to contagiousness having nothing to do with the decision. (People *v.* Shurly, 91 N. W. Rep. 139.)

MISSOURI.

Christian scientists not compelled to report disease.—A Christian scientist believing that disease is a delusion of the mind, and teaching the sick such theory is not a physician who can be subjected to the penalty for failing to report a contagious disease. (Kansas City *v.* Baird, 92 Mo. App. 204.)

OHIO.

Law requiring reports without compensation unconstitutional.—Sections 14, 17, and 21 of the vital statistics law, requiring physicians and midwives to investigate and report certain facts without compensation are unconstitutional and void, because enacted by an unnecessary, unreasonable, and arbitrary exercise of the police power of the State.

Without deciding the point, the court doubted whether statutes imposing the duty of making such reports or certificates were unconstitutional, because services were required without offering compensation therefor. (State *v.* Boone, 95 N. E. Rep. 924.)

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[1] See p. 433.

QUARANTINE.

CALIFORNIA.

Quarantine regulations must be reasonable.—Courts will not, under ordinary circumstances, undertake to review findings of health authorities that a certain disease exists and quarantine is necessary. A large discretion is necessarily vested in State and municipal authorities in determining what is a proper exercise of the police power for the protection of the public health, and what measures are necessary to meet particular conditions or emegencies; but their determination is not final and is subject to supervision by the courts. The arbitrary interference with private business and the imposition of unusual and unnecessary restrictions upon lawful occupations, and the determination whether health authorities have done so in a particular case is a judicial question. The purpose of quarantine regulations being to limit the spread of the disease to the fewest possible persons by isolating affected and exposed persons, where not exceeding 9 persons in a city were supposed to have died of plague and living persons were known to have contracted the disease, a regulation establishing a general quarantine district, embracing a territory covering 12 blocks in which more than 10,000 persons resided, which prohibited people from entering or leaving the district but permitted free intercourse between them cannot be upheld as a reasonable regulation to prevent the spread of the disease. (Jew. Ho. *v.* Villiamson, 103 F. 10.)

CONNECTICUT.

Health officers may employ guards.—In view of the course of legislation followed by the State since 1711, which indicates a policy to require communities to take at their own expense the necessary measures to preserve the public health within their limits, and the powers vested by statute in the health officers, a town is liable for the payment of services rendered by quarantine guards employed by a health officer. (Keefe *v.* Town of Union, 56 Atl. 571.)[1]

HAWAII.

Vessel not liable for quarantine expenses while in controversy with health authorities.—If our definition of a quarantine is correct, that is, a term of surveillance under prescribed regulations, to be performed and finished with a result, then no liberality of construction will reach to what is claimed by the libellant. For, as appears, the steamer was prohibited from landing passengers purely and simply. Prohibition is not quarantine. The steamer was "performing" nothing during the time that she was guarded by boats. At the end of the month, she had not commenced a quarantine, and continuing in the state she then was, she would never have completed her quarantine * * * The libellant's demand is for a reimbursement of quarantine expenses, and recovery depends upon there having been such * * * But, however the prohibition was secured, and for however long a time, this alone cannot be considered to constitute quarantine. This is not to say, that quarantine might not be performed on board a ship, as at some ports of the world it is. But in the case of the Madras no quarantine regulations were prescribed to be performed while she lay outside, her captain and agents time asking that she be admitted to perform quarantine, and the board of health denying the request. (Gibson *v.* Steamer Maqras, 5 H. 109.)

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[1] For parents' responsibility in isolating scarlet fever case see *State* v. *Rackowski*, 86 Atl. Rep. 606.

Steamer liable for exepnse of all passengers held in quarantine and not only of those actually infected. (See Peterson *v.* Carter, 6 H. 283.)

(For expenses during quarantine see also Minister of Interior *v.* H. Hackfeld & Co., 4 H. 420.)

ILLINOIS.

Convenience, and even liberty of individuals, subordinate to welfare of the many.—In nearly all health and quarantine laws some are put to inconvenience and annoyance and many, to a certain extent, are deprived of their liberty and freedom of action. But, if the public necessity requires it, the convenience or even liberty of the individual citizen must give way for the welfare of the greater number. . . . The good of the many must be preferred to the convenience or supposed welfare of the few. (Lawbaugh *v.* Bd. of Education, 66 Ill. App. 159.)

IOWA.

Medical certificate required for the establishment of quarantine.—Where law [1] provides that quarantine may be declared or terminated by municipal authorities on written notice by a physician that a contagious disease exists, where no written notice is given by a physician, the local board of health has no authority to enforce quarantine. (State *v.* Kirby, 94 N. W. Rep. 254.)

President not personally responsible for enforcement of quarantine.—When president of a local board of health does not more than to see that the requirements of the board in regard to quarantine are carried out, he is not personally liable. (Kirby *v.* Harker (Iowa), 121 N. W. Rep., 1071.)

Municipal corporations not liable for mistake made by health officer in quarantining smallpox suspect.—It is the settled law of Iowa, as well as the general rule, that municipal corporations are not liable for the negligence of their officers or agents in executing health regulations adopted for the purpose of preventing the spread of contagious diseases. In so far as a municipality undertakes the duty of making and enforcing quarantine regulations and other laws for the promotion of the public health, it is performing governmental functions and its officers are not agents for whose action or inaction it is liable unless such liability is imposed by its charter, or by the laws of the State under which it exists. Furthermore, it was probably true that the officers in question were not strictly municipal officers or agents so as to render the county liable for their acts in any event. They became health officers by virtue of the statute which fixed the tenure of office also. While such officers are elected in townships, they are elected in obedience to the statute, to perform a public service no peculiarly local or corporate, but as State officers with such powers and duties as the statute confers on them.

Section 2568 of the Iowa Code creates local boards of health, and makes it the duty of such boards to make such regulations as are necessary for the protection of the public health, and to proclaim and establish quarantine against all infectious or contagious diseases dangerous to the public, and section 2570 provides for the care of infected persons and for the payment of the expenses incurred on account thereof. The statute neither expressly nor by implication provides for anything more, and the court is not at liberty to read into it an enlarged liability. It is also very clear that the members of the local board of health had no power to create a liability not imposed by law, even if they had acted under the direction of the board of supervisors. The liability that may be incurred by such boards is fixed by law and beyond this neither can go.

[1] See p. 376.

The statute makes it the duty of health officers to quarantine against "all infectious or contagious diseases dangerous to the public," and it can not well be questioned that the defendants were acting within the scope of their duty as such officers, and that in establishing the quarantine they were acting in a quasi (as it were) judicial character. They were vested with the power to determine whether an infectious or contagious disease existed in the plaintiff's family, and if found to exist, their duty under the statute required them to take the proper steps to prevent its spread, and had they neglected to do so they would have been culpable in a high degree. They were, therefore, acting judicially, and it is the general rule that officers so acting are not liable for injuries which may result from such acts performed in the honest exercise of their judgment, however erroneous or mistaken the action may be, provided there be no malice or wrong motive present.

In some cases an exception to this general rule has been recognized, and the individual officers have been held liable because of the maxim that where there is a wrong there is a remedy. This court is of the opinion, however, that where the public health is involved this rule should not be applied, notwithstanding the fact that courts of great ability have so held. It is the modern tendency of judicial opinion to hold that the public health is the highest law of the land and "whenever a police regulation is reasonably demonstrated to be a promoter of public health all constitutionally guaranteed rights must give way to be sacrificed without compensation to the owner."

Nor does this doctrine necessarily conflict with the maxim referred to. As already stated, this board of health was a creation of the statute and its paramount duty was to protect the public health; its duty, then, was to the public and not to any individual member thereof, except to act honestly and without design to injure him. If a health officer fails to do his duty, no individual may complain, for the duty is public and the officer is not charged with any individual duty to any particular person. If there be no liability for an omission of public duty, it would seem to follow without question that an erroneous performance should not subject the officer to personal liability. It may, it is true, cause an injury to the individual, but it is not a wrong because the officers owe the individual no duty beyond that already stated. This rule should not be so extended as to protect health officers who act without the scope of their authority, or who act with gross negligence amounting to malice.

It is unfortunate that any individual should suffer loss because of a mistake as to the existence of a dangerous contagious disease, and yet the welfare of the public is of such paramount importance that a rule should not be established which will have the necessary effect of increasing the public danger. If health officers, acting in perfect good faith and as their judgment dictates, are held liable for a mistake in judgment, the effect on the public health can not be doubted. For instance, many competent physicians have never been brought into actual contact with smallpox, and many mistakes have been made in diagnosing diseases which later prove to be highly contagious. Whole communities have been exposed and suffered because of mistakes in judgment and overcaution for the liberty of the individual. If a civil liability is to be imposed because of a quarantine, which is later proved unnecessary, the danger to the public will be greatly enhanced, and the effectiveness of the statute greatly impaired. This court does not feel like announcing such a rule, nor does it believe justice to the individual requires it. (Beeks *v.* Dickinson County, 131 Iowa, 244.)

Quarantine expenses a public charge.—The statutes (secs. 2047–2072, Kentucky Statutes) provide a State board of health, with large and important duties and powers conferred upon it. Its members, excepting the secretary, are appointed by the governor and upon the advice and with the consent of the senate. They, besides personal duties devolved, are required to appoint local or county boards of health in each county to assist in the execution of such sanitary and precautionary measures against epidemics and contagious diseases as the State board may promulgate or the county boards deem necessary. The powers conferred upon these boards by the statute are extraordinary and justified, in so far as they will be sustained, only by the extreme exigencies calling for their existence. Among the duties of these boards is to require sanitary cleansing and disinfection of premises and the isolation and quarantine of persons afflicted with certain highly contagious diseases, such as smallpox. The State board is composed of doctors of medicine supposedly qualified to deal intelligently with that particular situation. It is true there is no express provision of the statute for paying any of the expenses necessarily incurred by these county boards except for the services of the members. It can scarcely be supposed that the legislature has done a thing so idle as to provide such an elaborate system for dealing with infectious diseases which threaten the health of the public without intending that the expenses necessarily incurred by the boards should be paid for. It was competent for the legislature, in the exercise of the police power of the State, to provide for the detention of persons infected with contagious diseases and for their treatment at the public expense. If the legislature had required the several counties or cities to do it, as they do with reference to these paupers, it would not be questioned that the counties and cities would be liable for the expenses.

The State board of health are State officers, with fixed terms, jurisdiction, and duties. The State pays them and provides for their expenses. The county boards of health are county officials, having duties to perform toward the public within their counties; their compensation is required to be fixed and paid through the fiscal courts of the counties. It was competent for the legislature to create these governmental agencies, and to impose upon them the discharge of certain duties to the State and counties. If the legislature sees proper to have the police laws of the State looking to the preservation of the health of the public executed by a body of officials selected and chosen with reference alone to their fitness for that delicate and important task, instead of imposing it on the fiscal courts or town councils, it is clearly within their power to do so. But when they do so, the county board becomes an auxiliary department of the county government. The express authority with which they are clothed by statute carries with it every implied authority necessary to execute it. As they could not execute the statute for the benefit of the county without incurring a liability to pay it, and as no other means are provided, it follows that the liability must be paid by the county, as its other obligations are, by money derived from county taxes, levied by the fiscal court, the only tribunal authorized by statute for levying county taxes. The judgment and action of the county board of health concerning matters within their jurisdiction ought to be, and are, as conclusively binding upon the county as would be the judgment and action of the fiscal court in making allowances for paupers. A corrupt abuse of their power would be and ought to be punished as other official corruption is.

Probably it would have been better if the county board of health had called on the fiscal court in the first instance for the necessary aid in executing the

quarantine and support of the subject. It was doubtless an honest error of the board as to which municipality would ultimately have the bill to pay that led to their calling on the town council instead of the fiscal court. But that error does not change the liability of the one legally bound for it. It merely subjected the town to the chance of losing part of the bill, if any of it should be unreasonable in its charges.

The county board of health seems not to have kept a record of its proceedings at that time. It is urged, with much earnestness and force, that a body exercising the power and duty of incurring almost unlimited debt against the municipality for whom they were acting, must make and keep a record of it—not only for the protection of the people who must pay it, but as a basis of impeachment, if they act improvidently or dishonestly. It is pointed out that no county, or city, or even school district, can become indebted by contract, or act at all, save as it speaks through its records; and that impliedly this governmental agency, if it would bind the public for whom it acts, must likewise act by record. We would be glad if we could hold that such was the law. But we find that in all the instances enumerated where the municipality is bound only when its records bind, it is because of an express statute to that effect. It is a singular oversight in legislation that a similar safeguard, found wise and proper in the instance in every other body that contracts debts on behalf of the public it serves, should have been omitted. But it has not been required, and we can not hold that those furnishing the services and goods for the county at the proper instance of the county board of health should lose their claim because those officials have not done what they were not required to do. (City of Bardstown *v.* Nelson County, 78 S. W. Rep., 169.)

Health officer can not bind county for quarantine expenses incurred without express authorization of board of health.—The county board can, when acting within the jurisdiction conferred on it by statute, bind the county. But the health officer has no such power. He is a mere ministerial officer, a creature of the board, charged and instructed with the duty of carrying out its orders. His duties are defined and fixed by the statute, and it is only when he acts under the order and direction of the county board that the county is responsible for expenses incurred or made by him. Not only so, but he must have the authority, in each case, in advance of any action on his part looking toward establishing a quarantine, or doing any other act for which a claim is to be made against the county. (Hickman County *v.* Scarborough, 149 S. W. Rep., 1116.)

LOUISIANA.

Provision authorizing State board of health to forbid introduction of any person coming from foreign countries into any infected locality valid.—Appellants maintain that the act of the general assembly[1] is violative of the constitution of the United States and in contravention of its treaties with France and Italy, and its immigration laws. We are not of that opinion. It is the right and duty of the different States to protect and preserve the public health. This right is not held by the States by permission of the federal government nor is its legitimate and proper exercise controlled by that government simply by reason of the existence of a power in the latter "to regulate commerce." As a matter of fact, State legislation which would cross the boundary line which separates the State's police power to protect the public health to really interfere with and invade the right and power of the general

[1] See p. 390.

government to regulate commerce would be set aside; but it is not every restriction upon commercial operation, remotely and incidentally brought about by the passage of State health laws, which can properly be designated as such interference or invasion.

The conclusion we have reached as to the provisions of act no. 192 not being unconstitutional as infringing upon the right and power of congress to regulate commerce carries with it as a result the holding by this court that the act was not in contravention of the treaties of the United States with France or Italy, or of the immigration laws of the general government, or of any rights secured by the fourteenth amendment of the constitution of the United States. The treaties and laws of the United States must be held to have been passed with reference to, and subsidiary to, the rightful exercise of the police power of the different States in aid of the protection and preservation of the public health within their respective borders. We scarcely think it could be pretended that an act of the general assembly of Louisiana, under the provisions of which a shipload of citizens of the State of New York could be legally prevented from being landed in the city of New Orleans during an epidemic, could, by reason of a treaty, be held as against foreigners coming to our shores, to be inoperative, null and void. * * * (Comp. Franc. de Nav. a Vapeur *v.* State board of health et al., 25 So. Rep. 591; affirmed 186 U. S. 380.)

MICHIGAN.

Charter cities not bound by general laws in enforcing quarantine.—Where a special law authorizes a city to take, in case of epidemic disease, such measures as are in the opinion of the authorities demanded by the public health, the city board of health is not bound by the provisions in the general statutes regulating the establishment of quarantine, and were justified in requiring the whole of a double frame house to be quarantined when smallpox occurred in one half of it. (Highland *v.* Schulte, 82 N. W. Rep. 62.)

MISSISSIPPI.

Quarantine guards can only be employed when quarantine has been established by county board.—A claim against the county as a quarantine guard is not maintainable by suit, unless the minutes of the board of supervisors disclose an order establishing a local quarantine, and also show that a contract for such services was made. The record must also show that the claim founded on such contract was presented to the board of supervisors and was disallowed. (Marion County *v.* Woulard, 27 So., 619.)

Quarantine regulations must be reasonable.—An order of the State board of health prohibiting all persons getting off of trains and boats at any point in the State, predicated on the fact that there is yellow fever at several places along the coast and reported suspected cases at various points in the State is unreasonable and void. Orders of the State board of health must stand the test of reasonableness and whether an order is reasonable or not is a judicial question. The order was not that persons who had been exposed to infection or who came from an infected point, or who were destined for an infected point should be allowed to come into the State, but that no person whosoever should be allowed to get off anywhere in the State. The authorities are uniform that this sort of order is wholly indefensible. Regard must be had to the maxim, *Salus populi suprema lex*, of course, but regard must be also had to the liberty of the citizen and both principles must be given reciprocal play. The public

health must be vigilantly cared for, but with one caution that no order to secure it shall be so sweeping and arbitrary as to interfere unreasonably with the citizen's right of return to his home, neither he nor it having been exposed to infection. (Wilson *v.* Ala., Ga. S. Ry. Co., 28 So. 567.)

Validity orders, State board of health.—Under statutory provisions[1] requiring the presence of all members of the executive committee of the State board of health in order to make a valid quarantine order, an order signed by the majority of the members is invalid, in the absence of proof that all the members were present when the order was made. (Wilson *v.* Ala. Ga. S. Ry. Co., 28 So. Rep. 567.)

NEW HAMPSHIRE.

Health officer to exercise his discretion as to quarantine.—Under statutory provisions[2] vesting the health officer with discretionary powers as to the removal of patients and the quarantine of exposed persons, he is not liable in damages to the owner of a house for refusing to remove a tenant with smallpox who lived in a part of the house to the pesthouse and quarantining plaintiff therein. There being no imputation of bad faith, it would be assumed that, in the opinion of the health officer, the life of the patient would have been endangered by his removal. (Whidden *v.* Cheever, 44 Atl. Rep. 908.)

NEW JERSEY.

Power of health authorities to establish quarantine.—The statutes and ordinance referred to are intended as an exercise of the police power of the government to promote the public welfare, even at the expense of private rights. The preservation of the public health has always been held a proper exercise of police power. Said Mr. Justice Bradley, in Boston Beer Co. *v.* Massachusetts (97 U. S., 25): "Whatever difference of opinion may exist as to the extent and boundaries of the police power, and however difficult it may be to render a satisfactory definition of it, there seems to be no doubt that it does extend to the protection of the lives, health, and property of the citizens."

There can be no doubt in order to prevent the spread of disease, and to provide healthful conditions for the public, boards of health and like commissions may be created and invested with power necessary and proper for such purposes. And in determining the validity of the acts of such boards and their officers, a liberal construction is justified, in view of the public good to be accomplished. (Perth Amboy *v.* Smith, 19 N. J., 52.)

Neither city nor health authorities liable for reasonable mistake made in quarantining.—A municipal corporation is not liable for the acts of a board of health created by public statute for the public benefit, even though its members are appointed by the municipal authorities.

Members of a board of health, acting in the performance of a public duty under a public statute to prevent the spread of an infectious or contagious disease, are not personally liable in a civil action for damages arising out of their acts in establishing a quarantine, even where the disease does not actually exist, provided they act in good faith. The exemption of officers from liability extends only to matters in which they have jurisdiction under the statutes, and it may be said that the board of health has no jurisdiction unless a cause of disease actually exists. But this view is too narrow. It is enough if the matter is colorably, though not really, within their jurisdiction.

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[1] See p. 441.

[2] See p. 463.

Section 15 of the New Jersey board of health act, which forbids suits against the board, its officers or agents, unless on proof that the board acted without reasonable and probable cause to believe that the alleged cause of disease was in fact prejudicial and hazardous to the public health, does not infringe the constitutional provisions protecting private property and individual liberty. That section in effect gives an action against the board on proof of the facts theren set forth, but in such suits the question of reasonable and probable is for the court.

By the New Jersey acts, it is made a crime for any person having reason to believe that he is affected with scarlet fever, to appear in any public place, and for any person knowingly to subject another, without the latter's knowledge, to exposure to the infection of any such disease. The court does not mean to say that this statute reached the present case; but it can hardly be libelous for the board of health, in good faith, to give notice of the existence of scarlet fever, when it is a crime for one who has reason to believe that he is affected with the disease to appear in public; and it must be within the power of the legislature to give the right of restraint, amounting to imprisonment, to public officers who have reasonable and probable cause to believe that the crime denounced by the law has been, or is likely to be committed.

The question remains whether a case was made out under this statute against any of the defendants. As to the board of health, it was clear that it acted on the advice of its own physician, supported by the report made to it of the opinion of four other local physicians. The court thinks that it was not bound to accept the opinion of a physician called by the plaintiff and a specialist called from New York, but was justfied in relying on the advice of its own officer.

The case as to the physician himself was somewhat different. But in the court's judgment the case failed to establish a want of reasonable probable cause against him. He seemed to have been a reputable physician, acting according to his best light, in a case which four of his fellow physicians, to whom the symptoms were described, pronounced to be scarlet fever. Whether it was or not, he had reasonable and probable cause to think it so. The evidence of what the specialist mentioned said to him, or what the plaintiff's physician said as to the antecedent family history of the patient, would not change this result, and its exclusion was not injurious error. The inspector seemed to have acted only in carrying out the order of the board whose servant he was, and came within the words of the statute exempting officers or agents of the board from suit. (Valentine *v.* City of Englewood, 76 N. J. Law 509.)

Discretionary power of health authorities to enforce quarantine regulations not subject to review.—It was not within the legislative intent, in enacting legislation conferring on the local boards of health the power to prescribe quarantine regulations in a district or locality infected with a contagious disease, to subject the discretion of such boards to the review of the local court for the purpose of substituting the judgment of such tribunal for that of the boards to which the lower is specifically committed. If the boards of health so constituted transcend their authority in a given case, the act itself provides a remedy to the party aggrieved.

The court is unable to perceive any authority in the legislation itself, or in the public policy on which it is based, which can be said to contemplate the submission to a legal tribunal of the public necessity which requires in an emergency the prompt and expeditious intervention of a board to which the legislature for the protection of life and health in a community has especially committed the determination of the facts.

No question was made in this case as to the conceded power of a proper reviewing tribunal to pass on the reasonableness of an ordinance or a resolu-

tion passed under general laws, or the manner of the exercise of the powers therein conferred. That question has long been settled in the affirmative by repeated adjudications. But the insistence was that a tribunal to which an appeal is presumably given may, by its review of conditions and exigencies in a trial anew, determine adversely to the board to which the power has been specifically committed, by legislative act, that its exercise in any given case was unwarranted, and that its discretion was improperly exercised. The court finds no authority in the act for such a claim, and it is proper to assume that, if the legislature intended to confer such power, it would have found expression in the act. The statute makes provision for the interposition of the court of chancery under certain conditions, and it defines the liability which may be imposed on the members of the board by reason of an excessive or illegal use of power conferred. The legislative recital of these remedies carries with it a presumption of the exclusion of other and additional remedies.

To assume that the legislature intended to confer a review of a discretionary power of this character, vested in a statutory board, charged with its exercise in critical situations, involving detriment to the life and health of a community, is tantamount to a declaration that the police power of the State is moribund and useless. It will not be assumed, therefore, in the construction of such a statute, that the legislature intended to defeat its own will or to create absurd results such as would ensue under such conditions. (Board of Health of Cranford Township *v.* Court of Common Pleas, 85 Atl. Rep., 217.)

NEW YORK.

In the absence of statutory provisions cities not entitled to reimbursement by the State for expenses incurred for quarantine, even if this is done under the direction of State authorities.—A theatrical troupe containing a case of smallpox having come to the city, the State department of health having been notified and the secretary of the State department of health having advised vaccination and keeping all exposed persons under strict observation until it proved successful, and a medical officer of the board having visited the city and advised quarantine which was done, that it did not make out a case of liability against the State. The city did only what was its bounden duty to do in the premises. It acted as much for its own preservation as for the State's welfare. The statute makes no provision for reimbursement, and the State officials did not even promise to repay. The claim should be dismissed. (City of Geneva *v.* New York State, 128 N. Y. S. 470.)

Authority to quarantine unvaccinated smallpox contacts contemplates only emergencies.—The language of the charter is sufficient to confer the needed authority to do all acts which, in his judgment, as approved by his associates in the matter, are necessary to be done to improve the sanitary conditions of the city, and to preserve the public health from being affected. That authority would, undoubtedly, be sufficient to deal summarily with cases where persons are stricken with a contagious or infections disease, or have been actually exposed to it, and it is broad enough for every practical purpose in dealing with the facts of any case presented; but the authority is not given to direct or carry out a quarantine of all persons who refuse to permit themselves to be vaccinated, and it cannot be implied. Certainly no power should be implied from an act which is not necessary to its due execution; and where the liberty or property of persons are sought to be brought within its operations, the case must be clearly seen to be within those intended to be reached.

* * * He had no jurisdiction to make the order here, unless there was, in fact, before him a case where the parties were either infected with, or had

been actually exposed to, the disease of smallpox. It was necessary to that jurisdiction that the danger should actually have existed, in the infection of the person or things, or in their having been exposed to the disease.

* * * Like all enactments which may affect the liberty of the person, this one must be construed strictly, with the saving consideration, however, that, as the legislature contemplated an extraordinary and dangerous emergency for the exercise of the power conferred, some latitude of a reasonable discretion is to be allowed to the local authorities upon the facts of a case. (In re Smith, 146 N. Y. 68.)

SOUTH CAROLINA.

Arbitrary power to quarantine persons is not recognized.—Arbitrary power over persons and property could not be conferred on a board of health, and no attempt is made in the Constitution or statutes to confer such power. On the contrary, it is implied in all such legislation that the board shall exercise the police power conferred in view of the constitutional guaranty that no person shall be deprived of life, liberty, or property without due process of law, or be denied the equal protection of the laws. It is always implied that the power conferred to interfere with these personal rights is limited by public necessity. From this it follows that boards of health may not deprive any person of his property or his liberty, unless the deprivation is made to appear, by due inquiry, to be reasonably necessary to the public health; and such inquiry must include notice to the person whose property or liberty is involved, and the opportunity to him to be heard, unless the emergency appears to be so great that such notice and hearing could be had only at the peril of the public safety.

To the end that personal liberty and property may be protected against invasion not essential to the public health—not required by public necessity—the regulations and proceedings of boards of health are subject to judicial review, by an action for damages or an injunction or other appropriate proceedings, according to the circumstances. In passing on such regulations and proceedings the courts consider, first, whether interference with personal liberty or property was reasonably necessary to the public health, and second, if the means used and the extent of interference were reasonably necessary for accomplishment of the purpose to be obtained. (Kirk *v.* Wyman, 65 S. E. Rep. 38.)

WISCONSIN.

Power of State to establish system of quarantine.—The right of a state through its proper officers to place in confinement and to subject to regular medical treatment, those who are suffering from some contagious or infectious disease, on account of the danger to which the public would be exposed if they were permitted to go at large, is so free from doubt that it has rarely been questioned. (State *v.* Berg, 70 Northwestern Reporter, 347.)

PLACARDING.

MASSACHUSETTS.

In giving public notice, proper care must be displayed.—While, when such a disease exists in a town, the board of health are to use all possible care in preventing the spread of infection, and to give public notice "by displaying red flags," and "by all other means which in their judgment shall be most effectual for the common safety," this care is to be exercised in the mode pre-

scribed by law, and with that regard to the rights of others in their persons and property which is shown by other sections of the statute to be required. By the general authority to take such measures as are deemed necessary for the safety of the inhabitants, it is not intended to confer unlimited authority on the board to control persons and property at its discretion. (Brown *v.* Murdock, 140 Mass., 323.)

TENNESSEE.

Placarding only legal when communicable disease actually exists.—When authorities wait to placard a house until a mistake in diagnosis has been discovered by the reporting physician, their action is not justified, and a person is not subject to punishment for destroying a placard placed upon his premises after he has warned the authorities that no case of communicable disease exists in his house. (City of Memphis *v.* Smythe, 58 S. W. Rep. 215.)

ASSISTANCE TO PATIENTS, ETC.

ARKANSAS.

Pay for care of smallpox patients.—The statute provides that it shall be lawful for the county to allow accounts incurred by any person in preventing the spread and in nursing and caring for persons in their respective counties who have been afflicted with smallpox. It also provides that "no persons shall be allowed a greater sum for services rendered * * * under the provisions of this act than is customary for such services in other cases." The purpose of the law was to enable county courts TO AID IN THE SUPPRESSION of smallpox, but at the same time they are prevented by the last clause quoted from making exorbitant allowances for services rendered during the dread and stress of such contagions. They can not allow greater amounts than customary charges for "such services in other cases;" i. e., other cases than smallpox. The trial court correctly declared the law, in declaring as follows: "That the plaintiffs were entitled to the value of their services according to the market value for such labor in other fever cases—that is, according to the wages paid for labor generally in like services—and declares that $5 a day was reasonable wages for the plaintiffs, and declares that they were entitled, under the evidence, to this sum." The plaintiffs made out their cases by proof that the charges made were reasonable for the service they rendered. The proof that they worked night and day, not only nursing the stricken ones, but doing the household work besides, was sufficient to sustain the trial court's finding. The criterion for determining the proper amount is the value of such services, i. e., the service of nursing the sick, doing household duties, etc., made necessary on account of the disease, if such service or similar service were performed in other cases than smallpox. The lawmakers intended that no unusual and extravagant charge should be allowed on account of the exigencies produced by the dreadful disease. But, in the present cases, even if the amount allowed for nursing, under the proof, would have been unreasonable, the fact that the plaintiff performed, in addition, customary household duties, made necessary by reason of the contagion, amply sustained the trial court's finding. (Marion County *v.* Bonds et al., 99 S. W. Rep. 532.)

GEORGIA.

When residence is converted in pesthouse, city is liable for expenses incurred for medical attendance of inmates.—Under statutory provisions,[1] the conversion

[1] See p. 344.

of a patient's residence into a hospital by the city authorities, without consultation with him, exempts the patient from liability for medical services, the taking of his house by the city being tantamount to assuming responsibility for his care in compliance with the provisions of the law. (Smith *v.* Hobb, 45 S. E. Rep. 963.)

City responsible for care of its smallpox patients at county pesthouse.—By virtue of sections 1633, 1646, and 1670 of the Civil Code of Georgia of 1910, municipalities and counties are empowered to establish hospitals and pesthouses for persons afflicted with smallpox, the house established by the municipality being for the care and detention of those within the city limits, and the county pesthouse being for the care of those who reside in the county, but outside of the municipality. Where a municipality, instead of maintaining its own pesthouse, combines with the county for the treatment of its patients at the county's pesthouse, on the basis that the expense is to be apportioned between the municipality and the county according to the number of patients from the city and the county, the city will not be absolved from its obligation to pay its share of the expense on the ground that the county's pesthouse is maintained by revenue derived from taxes laid on residents of the entire county.

Where a county, by written proposal, offers to receive, care for, and treat, at the county pesthouse, persons afflicted with smallpox, who are residents of the city, on the basis that all expenses connected with the operation of the county pesthouse shall be apportioned between the city and county according to the number of inmates coming from the city and county, and the city shall pay its share monthly, and that the arrangement is to be terminable on 30 days' notice by either party, which proposition is accepted by the city, and where the city in subsequent years, during the pendency of the arrangement, sends smallpox patients to the county pesthouse, which patients are cared for according to the terms named in the county's proposal, the city will not be relieved from the payment of its proportionate expense on the ground that the arrangement of the city and county to combine the pesthouses is void, because, as contended, its effect is to create a debt extending beyond the current year, and to bind the successors in office of the city. (City of Macon *v.* Bibb County, 75 S. E. Rep., 435.)

INDIANA.

Non-indigent persons quarantined in own residence not entitled to free medicines and medical attendance.—Statutory provisions empowering boards of health to protect the public health and prevent the spread of contagious diseases do not authorize to furnish free medicines and medical attendance to a particular family suffering from smallpox, if the family remains in its own home, and is not shown to be indigent. Only that portion of the expense incurred in preventing the spread of the disease is a public charge. (Board of Com'rs. of Jay County *v.* Fertich, 46 N. E. Rep. 699.)

Nurses.—Authority to prevent the spread of contagious diseases implies authority to hire a nurse for a smallpox patient. (City of Frankfort *v.* Irwin, 72 N. E. Rep. 652.)

Quarantine laws demand liberal construction.—A city is liable for the services of a nurse employed to take care of a smallpox patient by a physician acting under direction of the secretary of the State board of health, although he was not the regular health officer and the board of health had not acted, the emergency justifying the measure. (Monroe *v.* city of Bluffton, 67 N. E. Rep. 711.)

Expenses for the care of patients must be paid.—The statutes designed to protect the community from infection are of the utmost importance, and persons cannot be compelled to risk their lives to take charge of patients unless they choose to do so. Suitable and competent persons cannot be procured without fair remuneration. It would be dangerous in the extreme if such matters could be left open to the caprice of any public body after the immediate danger is ended, where motives of thrift interfere with those of humanity. The law has not left these matters open to any such risk, and it is the duty of courts to see that it is not disregarded. (Elliott *v.* Kalkaska Supervisors, 25 N. W. Rep. 461.)[1]

Necessaries furnished to well people who are quarantined is also a public charge.—Where a person with contagious disease has acquired no settlement in any county, he must be deemed to belong to the county where the relief becomes necessary. When quarantine is established, the cost of bedding, food, and clothing to supply that destroyed provided for those not actually sick may be properly included in the expenses for which the county is liable. (City of Clinton *v.* County of Clinton, 16 N. W. Rep. 87.)

Indigency must be shown to make expenses a public charge.—Fact that patient and those liable for his support are unable must be shown before the county assumes liability for expenses of maintenance during quarantine. (Twedy *v.* Fremont County, 68 N. W. Rep. 921; Walker *v.* Boone County, 97 N. W. Rep. 1077. See also Gill *v.* Appanoose County, 25 N. W. Rep. 908.)

Municipal corporations not liable for neglect in care.—Municipal corporations are not liable for neglect of their officers or agents in the execution of sanitary regulations adopted to prevent the spread of contagious diseases; or in assuming care and custody of afflicted persons or of the houses in which they are kept. (Ogg *v.* City of Lansing. 35 Ia. Rep. 495.)

Written order from board of health necessary to recovery from county for medical services to quarantined patients.—The plaintiff, who was the duly appointed general-health physician of the township of Garfield, was not entitled to recover for certain services rendered to a family that was afflicted with diphthera, because the requirements of the State statute had not been complied with. The plaintiff was directed by the chairman of the board of trustees of the township to attend the family, which he did, and duly presented his bill for such service to the township trustees, who allowed the same, after which it was presented to the board of supervisors of the county for payment, which refused to allow it. There was no controversy over the amount—that such be paid if the county was liable at all; but at the time of the employment of the plaintiff as stated the township trustees had held no meeting at which it was determined it was a proper subject for public assistance, and apparently there was never a quarantine. No written order authorizing the plaintiff to furnish such service was issued until after the service had been rendered. The only approval and certification of his bill by the township trustees was by signing their names on the back thereof, accompanied by the oath of the township clerk that the same was just and true and wholly unpaid.

It is very evident that the requirement that a written order for the performance of the service, issued before said services are actually furnished, is a mandatory requirement placed in the law for the protection of the public funds. It is a new provision in the law, clearly put there for a purpose. Were the court to construe it as the plaintiff contended it should be construed—that is, that the order may be issued at any time, so long as it is finally filed with

[1] This is a Michigan decision and should appear on p. 195.

the county—the court would have to annul the section by disregarding plain and unambiguous language, and this it has no authority to do. It is a simple requirement which can easily be complied with if the proper officers pay any attention to the requirements of the law in these cases. No reason was shown why it could not have been complied with in this case, and the court is of the opinion that the trial court correctly held that there was such a disregard of the statute in this respect as to defeat recovery. (Ruan *v.* Mahaska County, 137 N. W. Rep., 1003.)

KANSAS.

Health officer empowered to properly care for quarantined patients and to incur necessary expense.—A health officer appointed by a local board of health, having knowledge of any infectious or contagious disease, is required to immediately exercise and maintain supervision of such case, seeing that it is properly cared for and isolated. The performance of these duties involves expense, and the power to care for such diseased persons implies the authority to contract for medical attendance and nursing in an emergency which requires immediate action.

The county board has authority to examine and settle all accounts chargeable against the county, and to determine whether services which it is claimed were rendered by the order of the health officer were properly performed under his direction, and their reasonable value. It has the general control of the situation, of the expenditures, but in the circumstances disclosed in this caes (where it was alleged that the existence of smallpox created an emergency requiring immediate action before a meeting of the board could be held) a previous employment by order of the board itself was not a condition precedent to the liability of the county.

The provisions of the Kansas statutes designed to enforce the quarantine and to prevent the spread of contagion evince the legislative purpose to protect the health of the people through the prompt and vigorous action of the officers intrusted with these important duties. County commissioners are elected from the several districts of their counties, and some time is usually necessary in order to call and hold a meeting. If it should be held that formal action of the board is necessary in order to establish a quarantine, obtain medical attention, and perform the like duties required by the law in each particular case, the law might, and probably would, prove inadequate to secure the end manifestly intended. The law therefore devolves these administrative duties on the health officer, requiring him to immediately exercise and maintain a supervision over such case or cases, seeing that all such cases are properly cared for and isolated. (Hawthorne *v.* Bd. of Co. Commrs. of Cherokee County, 79 Kans., 295.)

Liability of county for services rendered on order of attending physician or mayor of city.—The physician attending on a family, several members of which were sick, believing the malady to be diphtheria, the health officer believing otherwise, called in consultation the plaintiff (the health officer being invited but failing to attend), who diagnosed the cases, and found the patients suffering from diphtheria. The plaintiff quarantined the family, administered antitoxin, and gave general instructions for the treatment and isolation of the cases and of the family and for the protection of the public against the spread of the disease. The county had a poor farm, but one with no facilities or conveniences for isolating or quarantining persons suffering from contagious or infectious diseases. He presented his bill for $15, alleged to be a reasonable compensation, to the county board, which refused to pay it. It is held that, as the pleading showed that the services were performed on the request of the attending physician who had no authority to bind the county, and failed to show refusal or

inability on the part of the afflicted family to pay, a cause of action was not stated. The court, however, says that the plaintiff, not being a volunteer, but answering the call of the attending physician, acted properly, and, in so far at least as his services tended to the protection of the public from the spread of what was thus determined to be diphtheria, a moral obligation existed for his reasonable compensation, though, because it was not alleged that the family were unable or unwilling to pay for his services, and, not being called into the case by any one having authority to bind the county, it could not be said the trial court erred in sustaining a demurrer to this cause of action, the county board having seen fit to refuse payment.

Other causes of action being based on alleged authority from the mayor or acting mayor, it is held that a county having a poor farm with no facilities or conveniences for operating on or caring for persons without friends or money, suffering from catalepsy, appendicitis, or broken collar bone, is liable for the reasonable value of services and treatment afforded such persons, not inhabitants, on the order of the mayor or acting mayor of a city of the third class within such county. Under section 5561 of the general statutes of Kansas of 1909, the mayor or acting mayor of a city of the third class is deemed to be an overseer of the poor with power in cases of emergency to bind the county by granting or ordering such temporary relief for a person, not an inhabitant, lying sick, or in distress without friends or money, as the nature of the case may require; the intention of the legislature and the duty of the county being to succor such afflicted sojourner, rather than to delay action for the observance of formalities. The legislature in making provision for aiding afflicted sojourners knew as all practical persons know that in cases of emergency celerity rather than formality of action is essential, else, while adjusting and applying the ordinary red tape, the death of the patient may end the need of human succor. (Dykes *v.* Bd. of Commrs. of Stafford County, 121 Pac. Rep. 1112.)

KENTUCKY.

Care of patients in cities a charge against city and not county.—By section 2059 of the Kentucky Statutes it is made the duty of every city of the State with over 2,500 inhabitants to appoint a board of health, and these boards are given the same power and jurisdiction in their territory as have the county boards, and are burdened by the same duties and obligations; and by section 2060 it is provided that each city, town, or county shall pay its own board of health.

By section 3490, subsection 6, cities of the fourth class are empowered to provide by ordinance for the regulation and prevention of contagious diseases, and all necessary powers given to provide for the city board of health provided by section 2059.

We are of opinion that, construing these two provisions of the law, it is clearly the duty of the cities of the State of over 2,500 inhabitants to care for and maintain, through their own board of health, all cases of contagious disease, and of such other matters as come within the jurisdiction of the board of health.

The jurisdiction of the city boards of health, being equal in all cases to that of the county boards, must be held to be, so far as the territory of the city is concerned, exclusive of the county board, and the expenses of the city must be borne by the city and not by the county.

If, as alleged in the answer, all the cases of smallpox attended by appellee were in and of the city of Middlesboro, they come within the jurisdiction of the city board, and without the jurisdiction of the county board of Bell County,

and for services rendered therefor appellant is not bound. (Bell County *v.* Blair, 50 S. W. Rep., 1104.)

Expense incurred by boards of health in caring for sick a public charge.—The act of April 28, 1880, amending the act of March 16, 1878, establishing a board of health, provides for local boards of health, and declares that they "are empowered, and it shall be their duty to inaugurate and execute, and require the heads of families to execute, such sanitary regulations as the local board may consider expedient to prevent the outbreak and spread of cholera, smallpox, yellow fever, scarlet fever, diphtheria, and other epidemic diseases; and to this end may bring the infected population under prompt and proper treatment during premonitory or other stages of diseases; and they are empowered to go upon and inspect any premises which they may believe are in an unclean or infectious condition; and said boards are authorized to enforce the rules and regulations adopted by the State board of health." The local board is to be paid by the county court.

No provision is made as to the means by which the board may enforce the execution of sanitary regulations, or "bring the infected population under prompt and proper treatment." It provides no fund to pay the expense involved in the discharge of the duty imposed, and it does not declare upon whose credit the board shall act.

While the act in question does not create a new or additional duty in the county, it does create a new agent in regard to matters of general health and makes its decision as to what ought to be done conclusive on the county, so far as to charge it with the expenses incurred in caring for the indigent afflicted with any of the contagious or infectious diseases referred to by the statute. Any other interpretation makes the board merely an advisory body, incapable of doing those things which the statute declares it has power to do and which its duty requires it to do.

It is in discharge of the ordinary social duty to care for the helpless, but it goes further. If the poor man is neglected, he may starve or freeze, but the calamity is personal and his grave hides it; but if, having an infectious disease, which poisons the air, he is left where he lies, the entire community is menaced. In such case the statute confers on the board the power to do what it may deem necessary to prevent the spread of the disease. It has no fund given it out of which to pay. It is the duty of the county to provide for poor, and the board is the constituted agent to see that provision is made in such cases. On its order the town did what it required, and having, under the order of the proper agent, done what the law gave the agent power to have done, the county was properly held liable. The judgment is affirmed. Nelson County *v.* City of Bardstown, 7 Ky. Law. Rep., 41.)

Respective powers of fiscal courts and boards of health in caring for sick.—It was undoubtedly proper for the fiscal court to take charge of the epidemic during the time there was no local board. But it seems to us undeniable that, under the grant of power to "bring the infected population under prompt and proper treatment during premonitory or other stages of disease," the board had authority to take charge of those suffering from the epidemic or suspected of infection, and this necessarily implies the custody and charge of the pesthouse wherein the patients were confined. In executing this power it was of course necessary to employ physicians, nurses, etc. The board had no power to fix their compensation. That compensation, like the compensation of the members of the board themselves, was left to the discretion of the fiscal court—not to its arbitrary discretion, but to a discretion governed by the value of the services. (Henderson County Bd. of Health *v.* Ward, 54 S. W. Rep., 725.)

Authority of boards of health to employ physicians, etc.—Upon their reappointment by the State board the county board had authority to resume charge

of the epidemic and to employ physicians for the treatment of patients confined in the pesthouse. This necessarily involved the power and right to discharge those who had been employed by the fiscal court during the interregnum, and it was the duty of the fiscal court to make fair and reasonable compensation to the persons so employed, whether they approved their employment or not. The power to determine what physicians, nurses, guards, and attendants are necessary is left to the discretion of the board of health; but the power to fix the compensation of the persons so employed, like the compensation of the members of the county board themselves, is vested in the fiscal court of the county. But neither the county board nor the fiscal court have arbitrary power in the discharge of their respective duties. The county board could not employ persons grossly in excess of the number required. Neither can the fiscal court refuse to make compensation to persons whom the county board in the exercise of an ordinary discretion thought necessary under the emergency to employ. As appellant was regularly employed by the county board to render the services sued for, he is entitled to be paid by the fiscal court the fair and reasonable value of such services, and the fact that the physician appointed by the fiscal court refused to surrender charge of the pesthouse to appellant by direction of the fiscal court, or to permit him to take charge, is no sufficient reason for refusing to pay him, as the county board had undoubtedly the right to appoint and to continue his employment as long as his services were needed in the treatment of the diseased. It is not denied that he abandoned all his business and stayed during all the period of his appointment at the pesthouse and was at all times able, ready, and willing to discharge the duties for which he had been employed. (Walker *v.* Henderson County, 65 S. W. Rep., 15.)

Responsibility of city and county in caring for patients.—Under the Kentucky statutes relative to the treatment and guarding of persons afflicted with communicable diseases, both city and county are responsible for the expense involved, when smallpox exists within the jurisdiction of both; the city for the expense incurred in treating those within the city limits, and the county for those afflicted without the city. (Pulaski County *v.* City of Somerset, Ky., 98 S. W. Rep., 1022.)

Boards of health not to interfere with citizens' privileges to choose their own method of treatment.—In carrying out the measures for the stamping out or prevention of contagious diseases, county boards of health are not empowered to interfere with the privilege citizens have of employing their own physicians in case of sickness, or to interfere with the right of regularly licensed physicians to practice their profession when so employed.

The court agrees that, in spite of such employments, the board of health may regulate proper quarantine security and may require reasonable treatment to be administered or taken to eradicate such diseases; but to enforce the regulation is not to monopolize the practice of medicine in such matters, any more than it would be to monopolize that of nursing, feeding, or housing, or of labor necessary to carry quarantine into effect.

The health officer is the executive officer of the local board. He acts for it to execute its lawful demands in such matters. His duty is that of oversight and direction more than personal execution. The resolution in question was far beyond the jurisdiction of the board to adopt. It may be necessary, and the court thinks it is, that for indigent persons infected with such diseases treated of by the statute the health officer is authorized to treat them, especially in the absence of adequate provision therefor by the fiscal court. But

whether he treats them or not, he is authorized to oversee their treatment, and to require it to conform to that prescribed by the State board, if it has prescribed any, or by the county board, in so far as such treatment tends to prevent the spread of the disease among others. The first object of the statute was to prevent the spreading of these highly contagious diseases, and not to take out of the hands of the people the selection of their own means to cure such diseases in themselves, provided such means are reasonably calculated to prevent the spread of the disease to others. (Trabue *v.* Todd County, 125 Ky., 809.)

MAINE.

Board of health to determine how expenses incurred in caring for sick are to be charged.—Under the provisions of Sec. 51, Ch. 18 of the Maine Revised Stats., as amended in 1909,[1] all kinds of expenses of quarantined indigent persons are grouped together, and it is left to the board of health to decide how much shall be borne by the town of settlement, and how much by the town where found. The amendment of 1909 does not restrict the power of the board to remove the sick and place them in quarantine. Nor does it abridge its power to collect all the expenses from the person himself if able. Under the provisions of Chapter 55 of the laws of 1900, antitoxin furnished to indigent persons shall be charged to the town of settlement, but all other expenses shall be charged according to the determination of the board of health. (See Eden *v.* Southwest Harbor, Me., 81 Atl. Rep. 1003.)

Municipalities not liable for proper care of patients.—The tortuous acts complained of by the plaintiff, if done at all, having been committed by the municipal officers of the defendant town in the course of their employment or under color of their official authority, it is not liable therefor. The plaintiff's remedy, if any he has, is against the individuals who did the damage. (Barbour *v.* city of Ellsworth, 67 Me. Rep. 294.)

Physician's services to quarantined patients not a public liability, when.—Though a town, under the law, has taken measures to prevent the access of others to a house where persons are sick with a contagious disease and has appointed a person to superintend the house and take care of its inmates, it is not liable to pay a physician for his services in attending upon such persons who have ability to make payments themselves without his being employed by the selectmen of the town, and their knowledge and assent to his performing the service are not sufficient to bind them. (Kellogg *v.* St. George, 28 Me. (15 Shep.), 255.)

Absence of contract bar to recovery for medical services.—In the absence of an express contract for such service by a proper officer in behalf of the town a physician can not recover of a town of which he is a resident for medical services rendered to its inhabitants while sick with smallpox. (Childs *v.* Phillips, 45 Me., 408.)

MICHIGAN.

Determination of patients' indigency a question for county supervisors.—Ability of persons to pay for care while in quarantine to be passed upon by supervisors before allowing claims for medical services. (Farnsworth *v.* Sup. Kalkaska County, 56 Mich. 640.)

Care of indigent quarantined persons a county expense.—Under statutory provisions,[1] villages entitled to recover from county expenses incurred in car-

[1] See p. 401.

ing for indigent persons with infectious diseases. (Village of St. Johns *v.* Bd. of Supervisors, 70 N. W. Rep. 131.)

Limits of county liability.—A village cannot bind the county over and above the charges preferred by the health officer for specific services. It is mandatory for the board of health to keep an itemized and separate statement of the expenses incurred in caring for each person. (Durand *v.* Shiawassee Supervisors, 132 Mich. 448.)

Insufficient reasons to escape liability for nursing, etc.—A county can not escape its obligation to pay the expenses on contracts for the nursing of patients sick with contagious diseases and the destruction of infected clothing on the ground that the patients were able to pay or that some of the taxpayers thought the charges too high. (Elliott *v.* Kalkaska County Supervisors, 58 Mich., 452.)

Express agreement not necessary for the recovery of amount due for medical services.—It is not necessary that a health officer should have a previous express agreement with the board of health for his services in treating persons sick with contagious diseases, if the board knew that they were being rendered, and afterwards allowed his bill. (Cedar Creek *v.* Wexford Supervisors, 135 Mich. 124.)

Contract physician not entitled to extra compensation in case of epidemic.—Board of supervisors of a county can make a valid contract with a physician to furnish for a sum named medical treatment and medicines for a stated period to the indigent sick of a certain district of the county. The board cannot be compelled to pay again for the services of this physician, although these have been rendered, during an outbreak of disease, at the direction of the local board of health which has allowed the bill. (Zimmermann *v.* Bd. of Sup. of Cheboygan County, 95 N. W. Rep. 535; see also Pierce *v.* Gladwin Sup., 136 Mich. 433.)

Physician not entitled to further compensation after receiving amount allowed.—When a physician has presented a bill for services rendered to indigent persons, his bill has been audited, and he has received, without protest, the amount allowed, he is estopped to claim balance as services rendered under the statute.[1] (Browne *v.* Bd. of Supervisors of Livingston County, 85 N. W. Rep. 745.)

Claims may be presented direct to county supervisors.—Where expenses are incurred in the case of an indigent person afflicted with a contagious disease, it is not necessary that the municipality first pay the claim and then present it to the board of supervisors, but the claimant may make his claim direct to the county board in the first instance. Boards of supervisors have no power to reject a claim for services rendered by order of a board of health without giving the claimant opportunity to be heard and to present proof in its support. (Bishop *v.* Ottawa Supervisors, 140 Mich. 177.)

Board of county supervisors entrusted with auditing and passing on justice of claims.—The auditing of bills incurred by the public in case of communicable diseases is lodged by law in the board of supervisors of the county. The local board of health is required to keep an itemized and separate statement of expenses and render the same to the board of supervisors by filing the same with the county clerk. The entire responsibility then rests on the board of supervisors to pass on the necessity of such expenses, the services performed, the justice and reasonableness thereof, and to allow such parts thereof as the board shall deem just. (Dawe *v.* Board of Health of Monroe, 146 Mich., 316.)

When a physician has been selected by board of supervisors, he cannot substitute another.—But while it has been held that this statute should receive a liberal construction in the interest of the public health, this court thinks that

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[1] See p. 430.

it would be going too far to hold that a physician having a contract of employment with a board of health might hire another physician to do the actual work, and himself collect for the service. It may well be supposed that the element of personal fitness enters into the contract. The board certainly is clothed with the power of selection, and the county should not be called upon to pay for the services of a physician with whom no contract was made. It seems equally plain that that portion of the bill represented by charges made by the plaintiff for services rendered by himself prior to the making of the contract was properly disallowed. However, the plaintiff was entitled to compensation for medicines furnished by him, under his contract, even though they were administered by the hand of another. (Chapman *v.* Bd. of Superv. of Muskegon County, 134 N. W. Rep. 1025.)

Obligation to provide nurses for quarantined persons.—If the statute (Section 4424 of the Michigan Compiled Laws,[1] be literally construed, it might be said that the duty to provide a nurse in every case in which a person is quarantined is not only positive, but that more than one nurse must be employed as the phrase is used. This construction would be so unreasonable as to suggest that it should not be so adopted except on necessity. The court thinks that the employment of the phrase "nurses" in the statute indicates a legislative intent that the board should, in the general exercise of its powers, under this section, employ nurses, and implies a discretion as to number and occasion. It is to be noted that the power to isolate is not limited to those who are at the time infected, but includes such as shall lately before have been infected. It is hardly conceivable that the legislative intent was that such convalescents should be supplied with nurses. The reasonable construction is that which gives authority to the board to decide on the necessity and to employ such nurses as they shall deem necessary. The duty thus reposed on the board is a quasi judicial power. The neglect of such a duty does not entitle a party injured by such neglect to an action for damages, so long as the officer is acting within his jurisdiction and is not guilty of an invasion of private rights, and is not acting from corrupt motives. (Rohn *v.* Osmun and others, 106 N. W. Rep. 697.)

Landlord not liable for requiring person with erysipelas staying with janitor to leave.—What legal duty, if any, did the defendant owe the plaintiff? Unless the law imposed the duty on the defendant to shelter her and her son in his house, it was clear that he could not be held liable. The janitor was the defendant's employé, not his tenant. He possessed none of the rights of a tenant. He had no right to bring into his employer's house to live with him any one, whether well or ill, without his employer's assent. The defendant had not invited the plaintiff to his house, neither had he authorized his employé to do so. The disease was infectious and dangerous to the tenants in the house, especially, perhaps, to one woman, who shortly before had given birth to a child. The physician had notified the tenants of the danger. The defendant was under no obligation to keep the plaintiff in his house if she could be removed, without danger of serious injury. He might lawfully request those who were responsible for her being there to cause her removal. He might not, neither did he, turn her into the street. He first requested his employé to cause her removal. When that employé failed he insisted and threatened to take prompt legal steps with an officer to accomplish it.

The plaintiff was not confined to her bed. There was testimony to show that the defendant knew that the plaintiff had a house of her own, but none to show that he knew where it was located. There was no evidence to show that she might not with comparative safety have been taken to her home in

[1] See p. 430.

a cab or hack without danger. But, even if there was some danger incident to her going, there was also danger to the other occupants of the house incident on her remaining, and it was as much the legal duty of the defendant to look out for them as to look out for her.

Whatever aggravation of illness was caused in consequence of the plaintiff's removal, the physicians agreed that it was due more to excitement than to any other cause. There was no evidence from which the defendant might have inferred that such a result would follow, or that he had any intimation that the removal would excite the plaintiff, or that the excitement would aggravate her illness. The defendant was guilty of no legal wrong. (Tucker *v.* Burt, 115 N. W. Rep. 722.)

MINNESOTA.

Liability of county not dependent on action by town.—Under a statute authorizing the board of health of a town to provide for a person residing in the town, infected with smallpox, "nurses, medical attendance, and other necessaries which shall be a charge in favor of such town," under certain circumstances, "upon the county in which he belongs," where the facts are such as to make such matters a charge upon a county, the liability of the county to pay therefor does not depend upon the fact that the town has paid or issued its orders for them. That the town has provided them is all that is necessary. (Town of Montgomery *v.* Le Sueur County Commissioners, 32 Minn., 532.)

Employment of physician valid under certain circumstances.—A resolution of a board of county commissioners who were authorized to take measures to prevent the spreading of smallpox, provided for the employment of physicians for that purpose, to be under the supervision of the commissioners in their respective districts. One of the commissioners, in good faith and with the knowledge and approval of the others, but without any official action on their part, employed a physician for such purpose in his district, who rendered services and incurred expenses reasonably necessary to prevent the spread of the contagion, and his claim therefor was subsequently allowed in part by the board. *Held*, That the employment of physicians was within the authority conferred by the act, and that the subsequent ratification made such claim a valid charge against the county. (Schmidt *v.* Stearns County Commissioners, 34 Minn., 112.)

Expenses of maintaining quarantine to be borne by county.—Counties, under statutory provisions[1] liable to townships or villages for necessary expenses incurred for medical treatment and in maintaining quarantine of a resident family sick with a contagious disease. (Town of Louriston *v.* Bd. Commr's Chippewa County, 93 N. W. Rep. 1053; Appeal of Bd. of Health of Village of Buffalo Lake, 95 N. W. Rep. 221; Town of Iosco *v.* Bd. Comm'rs of Waseca County, 100 N. W. Rep. 734.)

City health officer justified in securing treatment, when.—When county physician refuses to treat a person with contagious disease, a city health officer is justified in securing medical treatment for the purpose of controlling the disease, and the expense incurred may be recovered from the county. (City of Mankato *v.* Blue Earth County, 92 N. W. Rep. 405.)

Solvent persons not entitled to care at public expense.—Statutory provisions[1] do not make counties liable to towns, villages, or cities for expenses incurred in caring or providing for a person with contagious diseases having legal settlement within the county, if he is solvent. (Bd. Comm'rs Marsh County *v.* Bd. Comm'rs Rosen County, 101 N. W. Rep. 164.)

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[1] See p. 437.

Boards of health can not employ their own members to render medical services.—Contracts with public officers are forbidden by section 5032 of the Revised Laws of Minnesota, and are void. The rule that such contracts are void and can not be enforced rests on a wise public policy, and it must be enforced without reference to the merits of the contract, the intention of the parties, or the hardship of exceptional cases. Nor does the court agree with the contention that the statute and the rule do not apply to a board of health, and that it may employ one of its members its health officer for the purpose of controlling and suppressing an epidemic of contagious or infectious disease. As to the suggestion that the board of health was confronted by an emergency which justified it in making the contract in question, the court answers that an emergency confronts a board of health in every case of an epidemic of contagious or infectious disease; but this affords no reason why such cases should be exempted from the statute by the court, for the board may employ, when the emergency justifies it, a physician other than one of their own member to render the extra medical service. (Bjelland *v.* Mankato (Minn.), 127 N. W. Rep., 397.)

MISSOURI.

Liablities of municipalities for care.—Municipal corporations are not liable in damages to non-paying patients for neglect in care or negligence of their officers in caring for patients. Murtaugh *v.* city of St. Louis, 44 Mo. Rep.

NEBRASKA.

Counties not liable for care of non-indigent quarantined persons.—In the absence of specific legislation, counties are not liable for necessaries furnished to quarantined persons not paupers, while quarantined in their own premises. (Dodge County *v.* Diers, 95 N. W. Rep. 602.)

NEW HAMPSHIRE.

Medical attendance.—If a city council provides another person to supply medical attendance to quarantined persons, this action shows that the furnishing of such attendance is not committed to the health officer. (Congdon *v.* city of Nashua, 57 Atl. 686.)

Health officers may employ nurses.—If persons afflicted with a contagious disease are confined in a pesthouse by the order of health officers acting under authority, such officers may employ nurses as servants of the town to take care of such persons. The statute is based upon the idea of public protection, and the power to confine carries with it the power to provide for those confined. (Labrie *v.* Manchester, 59 N. H., 120.)

Unless authorized by law, health officers can not bind town to pay for medical assistance.—The health officers of a town have no authority to make the town liable for medicines and medical services furnished to inhabitants who are not paupers. (McIntire *v.* Pembroke, 53 N. H., 462.)

NEW JERSEY.

Counties not liable for expenses of quarantined persons.—Under statutory provisions[1] authorizing local boards of health to expend necessary sums for the protection of the public health, and giving municipal authorities power to pay for such expenses, a town and not the county is liable for the expense of maintaining quarantined smallpox patients, in spite of their being paupers

[1] See p. 480.

and of their being refused admission to the county pauper house after their confinement therein was ordered. (Rockaway Township *v.* Bd. Freeholders of Morris County, 52 Atl. 373.)

NEW YORK.

Expenses of caring for quarantined persons a public charge.—It was the duty of the board of health of the town to guard against the introduction of contagious and infectious disease, to require the isolation of all persons infected with, or exposed to, such disease, and to provide suitable places for the treatment of sick persons who could not otherwise be provided for. All expenses incurred in the performance of that duty are a charge on its municipality and shall be levied, collected, and paid in the same manner as other charges against it.

Exhaustive powers are given to boards of public health because of the necessity which from time to time arises, requiring, for the public good, prompt and radical action. No question is made as to whether a person unfortunate enough to come within their jurisdiction is rich or poor, high or low; whether he is a town charge, a county charge, or a State charge. The health law contemplates only that, when necessity arises, the power vested in boards of public health shall be promptly exercised for the public good.

The board of health of the town was authorized to do and to furnish everything which was done and provided for this man and his family, not because he was a poor person, but because he was suffering from a disease which might become communicated to others to the harm of the public; and no different treatment would have been accorded him had he resided in the town for 10 years instead of a few months. The physician in charge was employed by the board of health, the nurse was employed under its authority, and the messenger who took care of the temporary wants of the family was employed by it, while every article of food, fuel, medicine, and raiment furnished was on an order signed by the authorized messenger of the board of health, expressly stating that it was to be furnished on the credit of that board. This was properly so, for the entire expenses were those incurred by that health board, not for the support of this man, but for the protection of the public from infection from the dangerous disease with which he had become infected. They were incurred under the authority of the health law only, and were properly to be charged to and paid by the town. (Bellows *v.* Board of Sup. of Seneca Co., 133 N. Y. S., 586.)

NORTH CAROLINA.

Expense of caring for quarantined patients a county charge, even if not in county pest-house.—When statutory provisions[1] place quarantine under the control of the county health officer, empower him to isolate persons suffering from contagious diseases, and make the expense of removal to the pest-house and of care after removal a county charge in case of insolvent persons, the county is liable for medical services rendered by physician employed by the health officer to care for a patient, even when the latter was not removed the county pest-house, but to a nearer and better equipped pest-house operated by a private concern. (Coppe *v.* Commr's Davie County, 50 S. E. Rep. 574.)

OHIO.

Necessaries ordered by board of health for indigent patients a public charge.—Under statutory provisions[2] the necessaries furnished to quaran-

[1] See p. 528. [2] See p. 546.

tined persons under orders of the local board of health are a liability against the city when the quarantined family is not able to pay. (Merty *v.* City of Columbus, 27 O. Cir. Ct. Rep. 822.)

OKLAHOMA.

Medical services must be ordered by majority board.—One member of a board of county commissioners can not bind the county to pay for the services of a physician without first having been authorized thereto by a majority of the board while in session. (Mahr *v.* Board of County Commissioners of Pottawatomie County (Okla.), 110 Pac., 751.)

PENNSYLVANIA.

Board of health to afford means of communication to quarantined persons, and if necessary to furnish necessaries of life.—Where a house is quarantined, the board of health is bound to afford such means of communication with the outer world as will enable the persons quarantined to obtain necessary supplies, and to furnish such supplies in case such persons cannot with reasonable effort obtain the same. The discretion to determine what supplies are necessary rests with the board of health.

The court cannot undertake to declare as matter of law that a borough is bound to furnish and pay for the supplies for all persons, no matter how wealthy they may be, who happen to be inmates of a house in which a case of smallpox has developed, and about which the health authorities have stationed guards to prevent an epidemic. This would take from the board of health the discretion to determine in the first instance whether the financial circumstances of those quarantined were such as to require that their food shall be paid for out of the public treasury, and after this question has been determined in favor of the maintenance of the indigent at the public expense, it would transfer from the board of health to a jury the discretion to determine what articles were necessary for the proper support of the indigent under the circumstances. (Borger *v.* Borough of Alliance, 28 Pa. Sup. Ct. Rep. 407.)

TENNESSEE.

Medical assistance to persons quarantined by board of health a county charge.—Under statutory provisions[1] directing county boards of health to institute such measures as they may deem best for the management of the health of the county and in case of contagious diseases to carry into effect regulations prescribed by the State board of health for the suppression of such diseases and make expenses incurred by boards of health in restricting disease a county charge, a county board of health has authority to bind the county for the reasonable compensation of a physician employed in the absence of the county health officer to take charge of persons with smallpox and prevent the spread of the disease. (Allen *v.* DeKalb County, 61 S. W. Rep. 291.)

TEXAS.

Employment of assistant physicians not justified until quarantine is declared.—Under statutory provisions[2] requiring the establishment of local quarantine by county physician when proclaimed by the county commissioners and

[1] See pp. 600, 601.

[2] See p. 614.

authorizing him to select the necessary attendance, county physician is not authorized to employ another physician to render medical services to smallpox patients at the county's expense, until quarantine is actually declared by the commissioners. (Barrett *v.* Hill County, 74 S. W. Rep. 811.)

County liable for expenses incurred by employer in caring for patients quarantined by county officers.—Under statutory provisions[1] providing for the furnishing by the county authorities of the necessary provisions and medicines to persons quarantined by the county officials, where smallpox broke among the employees of a ranchman, and after being placed in quarantine by the county physician the latter resigned and no successor was appointed, the ranchman was entitled to recover from the county for medicines, medical attendance, and provisions furnished at his own expense to the quarantined persons.

The county, by failing to appoint a county physician to supply to the needs of the men must be held to have consented to the ranchman's supplying such things as the county was legally liable for. The expenditures made by the ranchman were not voluntary, but were forced on him by the failure of the county to supply the needs of the men through its physician. (King County *v.* Mitchell, 71 S. W. Rep. 610.)

VERMONT.

Interliability of towns for medical assistance, etc., furnished to nonresidents.—A minor whose legal settlement was in another town was infected with smallpox while residing in the town of Brattleboro, and the selectmen provided physicians, nurses, and necessaries for him, he being unable to pay for them, but his father sufficiently able to do so. *Held*, in an action brought by the town of Brattleboro against the other town to recover said expenses, that the latter town was primarily liable to the town of Brattleboro for whatever sum they had actually expended. (Town of Brattleboro *v.* Town of Stratton, 24 Vt., 306.)

VIRGINIA.

City not responsible for negligence in care.—A city is not responsible for the death of a patient admitted to the public city hospital, on the ground of the negligence of its agents at the hospital. (City of Richmond *v.* Long's Adm'r, 17 Grat. 375.)

WEST VIRGINIA.

In spite of powers vested in health authorities, cities have power to care for indigent persons with contagious diseases.—When there is an epidemic of smallpox or any other dangerous contagious disease within its corporate limits, the council of such city, town, or village has power to provide for the medical treatment and care of poor persons residing therein, and when it has the power to create a debt it can, in a proper case, be compelled by mandamus to provide funds for its payment. The power given by the Code[2] to State and local boards of health to furnish medical aid to poor persons during a smallpox epidemic is not in such cases to be regarded as detracting from the general powers of municipal government unless such legislative intent clearly appears. (Thomas *v.* Town of Mason, 20 S. E. Rep. 580.)

WISCONSIN.

Wisconsin counties have no power or liability as to care of smallpox patients.—There is no common law liability of counties to care for the poor or to

[1] See p. 614. [2] See p. 648.

conserve the public welfare by preventing the spread of contagious or other diseases or caring for those afflicted. Counties have no power whatever, as indicated, except as derived from the written law. There is no statute in Wisconsin imposing the duty on counties, primarily or otherwise, to take charge of and care for persons because of their being afflicted with smallpox. The statute, section 1416 of the Revised Statutes[1] clearly imposes that duty on the particular subdivision of the county wherein the necessity arises, whether in the particular instance the person is a resident thereof or is a pauper or stranger. It provides that when any person shall be infected with the smallpox "the proper board of health" shall act in the matter. The term "proper board of health" plainly restricts the liability as stated, because there is no statute providing for county boards of health. (Martin *v.* Fond du Lac County, 106 N. W. Rep. 1095.)

Responsibility of employer in caring for employee.—It appears that a domestic of the respondent was stricken by smallpox, in the house and service of the respondent, and was probably too ill for safe removal, in the respondent's house, and was buried from it. The house was a hotel; part of it was necessarily disused for a time; and some of the respondent's goods in it, supposed to be infected, were properly removed and burned, at the instance or with the assent of the respondent.

As is unfortunately apt to happen in the presence of disease of such fearful nature, we fear that in this case human feeling for the sufferer became in some measure subordinate to the terror and inconvenience of her disease and, in the flurry of excitement, it seems to have been taken for granted that this terrible visitation, except so far as it affected the deceased, was altogether a public concern, not properly peculiar in any way to the house and family of the respondent; that all the responsibility, trouble, expense, and loss belonged to the public.

The court below seems to have adopted this theory in part. The learned judge instructed the jury in effect, that it was the duty of the city to take charge of the patient, and that though she could not be removed from the respondent's house, yet the city was bound to pay a portion of the expense and damage to the respondent, including the goods burned as having been confiscated to the use of the patient, and therefore by the public. We do not so understand the law.

Section 9 gives power to boards of health to remove a person sick with smallpox or other infectious disease to a separate building, and to provide nurses and necessaries for the patient so removed, which are to be a charge to him, or the parent, or other person liable for his support. Section 10 provides that, if the patient cannot be removed, the board shall make like provision for him where he is.

Plainly there is here no purpose to shift responsibility for the expense of caring for the sick; to impose the cost on the public or to lessen the duties due by others to the sufferer, and the court below well said to the jury that it would be harsh to hold the public liable to the respondent for her misfortune, for all the damage done to her hotel by the sickness of her domestic, contracted in her house and service.

We cannot sanction the notion which seems to have prevailed here, that a domestic servant, as such, may be regarded as a pauper or an outcast. The deceased was a member of the respondent's household, entitled to consideration and protection as such. She was not ejected in life from the respondent's house; and it is not a question here whether she could have lawfully been so

[1] See p. 655.

ejected, as she surely could not have been humanely, in her extremity. Neither is the question here, whether or how far the respondent was bound to care for the deceased, or might become liable to the city for necessary expenses in the care of a sick member of her household. We hold, and it is enough for this case, that the appellant did not confiscate the respondent's household goods which were burned, and is not liable to her for them or for other damages accruing to her by reason of the sickness of the deceased.

* * * We do not hold that the city might not, under any circumstances, have bound itself in the premises to the respondent, or have been liable to her for expenses incurred or damages suffered. But the charge of the court below went on no such specific relation, but rested on principle independent of any such. (Kollock *v.* city of Stevens Point, 37 Wis. 348.)

Health officer cannot employ physician without approval of board of health.—A health officer without the approval of the board of health can not bind a town by the employment of a physician to attend a person afflicted with a contagious disease. (Collier *v.* Town of Scott, 102 N. W., Rep. 909.)

DIAGNOSIS.

MICHIGAN.

Health officer not entitled to compensation when called in consultation to see, for purposes of diagnosis, patient afflicted with disease dangerous to the public health. (Browne *v.* Livingston Co., 85 N. W. Rep., 745.)

County boards of supervisors are not authorized to substitute their judgment in place of that of the board of health as to whether a person has a dangerous communicable disease. (Thomas *v.* Ingham Supervisors, 142 Mich. 319.)

LABORATORIES.

ALABAMA.

Right, municipalities, to establish laboratories.—Section 142 of the Alabama act of August 13, 1907, confers on municipalities the power to adopt ordinances to prevent the introduction of contagious, infectious, or pestilential diseases, to establish and regulate a sufficient quarantine not inconsistent with the laws of the State, to adopt ordinances and regulations to insure good sanitary conditions in public and private places, and to prescribe the duties and fix the salaries and compensation for such health officials as they may deem necessary. This section is an amplification in one direction of the general power conferred by section 80, by which municipal corporations are given power to adopt ordinances not inconsistent with the laws of the State, to carry into effect or discharge the powers and duties conferred, and to provide for the safety, health, prosperity, morals, order, comfort, and convenience of the inhabitants of the municipality.

Bacteriology is the science which investigates bacteria and other microbes, especially their life history and agency in the production of disease. Ordinances providing for bacteriologic investigation and research have a just and reasonable, not to say necessary, relation to the health and safety of communities. It will not be denied therefore that the general and special powers conferred by the two sections of the act referred to are amply broad to justify the ordinance of the city of Birmingham creating the office of city bacteriologist.

The health and quarantine law and the municipal code law cover in part the same field so far as cities and towns are concerned. The fact that they were passed by the same legislature and so nearly together creates a strong presump-

tion that no conflict was supposed to exist. The court finds no conflict in the letter of the two statutes, nor does it think the duties imposed by the ordinance on the bacteriologist are of such a nature as to give rise to conflict between that official and the health officer provided for in the health and quarantine law. The former is nothing more than an agent for gathering information, as the ordinance shows. Such information will be valuable to the officers and people of the municipality in the conduct of its government within the limits of its unquestioned powers. It can in no wise curtail the powers of the health officer, nor interfere with their complete beneficial exercise, that one or a dozen bacteriologists appointed or elected by the city may cover the same ground for the purpose of getting information. The court discovers in the health and quarantine laws of the State no expressed or implied purpose to deny to a municipal corporation the authority to procure for the use of its officers and people in the administration of their affairs expert knowledge of things which may affect the safety, health, and comfort of the community. (State ex rel. Sholl *v.* Duncan (Ala.), 50 So. Rep., 265.)

IMMUNIZATION.

CALIFORNIA.

Compulsory inoculation against plague invalid, when applying only to some residents.—A regulation prohibiting, in view of the existence of plague, Chinese or Asiatic persons from leaving the city without first submitting to inoculation with a preventive serum is illegal and void, being an unconstitutional invasion of personal rights. The regulation has no reasonable relation to the health of the inhabitants, as the administration of the serum to persons exposed to the disease is dangerous to life and contrary to medical authority, and is class legislation since it applied only to persons of the Asiatic or Mongolian race without regard to the prevailing conditions, habits, exposure to disease, or residence; and no evidence being submitted that the Mongolian race as a class was more subject to disease than others, nor that the disease existed among them anywhere in the country outside of the city. (Wong Wai *v.* Williamson, 103 F. 1.)

(For decisions about vaccination against smallpox see Public Health Bulletin No. 52.)

REMOVAL OF PATIENTS.

IOWA.

Removal of patients to other jurisdictions not authorized.—Under the provisions of the statutes (1), a local board of health is not authorized to transfer persons with dangerous diseases to the jurisdiction of another board of health, in order to protect the inhabitants of their own jurisidiction from danger. (Warner *v.* Stebbins, 82 N. W. Rep. 457.)

KENTUCKY.

Powers of board of health to remove patients to hospital.—Under its general powers to guard against epidemic diseases, a board of health may control and isolate persons affected with the disease; and this power seems expressly delegated to the local boards by the provision that they are empowered "to inaugurate and execute * * * such sanitary regulations as the local board may

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[1] See p. 378.

consider expedient to prevent the outbreak and spread of * * * epidemic disease, and to this end may bring the infected population under prompt and proper treatment during premonitory and other stages of disease." * * * It is certainly a reasonable regulation which provides for the removal of such cases to a pesthouse in good sanitary condition, provided with nurses and physicians, for the treatment of patients suffering with the disease. We are, therefore, of opinion that the local board, or a quorum thereof, has undoubtedly power to order the removal of an infected patient to the pesthouse.

It is a narrower question, in view of the fact that the legislature has given this power to the board, whether the municipality can confer such power upon less than a quorum, or upon the health officer appointed by the quorum. But the charter of cities of the second class gives power "to establish and enforce quarantine laws and regulations to prevent the introduction and spread of contagious disease in the city and within two miles thereof; * * * to establish and maintain public hospitals within or without the city, * * * and to secure the general health of the inhabitants by any necessary measure."

The general rule upon this subject is that laws establishing State boards and laws establishing local boards shall be construed together, so as to give effect to both. We think this rule should be applied in this case to the general law as to the powers of local boards, and the city charter expressly authorizing the municipality to enact regulations in their behalf. It follows, therefore, that the city is authorized to make additional and reasonable regulations to prevent the spread of epidemic diseases.

The only remaining question, therefore, is whether a regulation empowering three members of the board, or the health officer elected by the board, to order the removal of a smallpox patient is a reasonable regulation. We think it is, especially as there is provided an appeal to the board, and a requirement of action by the board itself upon a certificate by the attending physician that the removal would endanger the patient's life. In such case the necessity for immediate action is imperative, and it is not unreasonable to permit the health officer, or less than a quorum of the board, to order such removal, in a case where it does not appear that the removal would endanger the patient's life. For the reason given the judgment is affirmed. (Hengehold *v.* Covington, 57 S. W. Rep., 495.)

Municipal corporations not liable for negligence in removing patient.—The appellant, Wesley Twyman, as administrator of the estate of James Twyman, deceased, sued the appellee, city of Frankfort, in the Franklin circuit court, for $20,000.00 damages for the death of his intestate, alleged to have been caused by the negligence of its police officers in wrongfully exposing the intestate to inclement weather while he had smallpox by removing him from a comfortable home to the pesthouse used for smallpox patients, which was badly crowded, poorly ventilated, and wholly unfit for the purpose for which it was used.

It was averred in substance in the petition that the appellee as a city of the third class is empowered to enact ordinances to prevent the introduction of contagious diseases in its corporate limits, to adopt quarantine laws and enforce the same within ten miles of its limits, establish hopitals, boards of health, and make all necessary regulations for the protection of the public health.

That in pursuance of the powers enumerated, the appellee has enacted many ordinances for the protection of the public health, and it has established a pesthouse for persons affected with contagious diseases, but has never appointed a board of health, for which reason it directed its mayor, other officers and

agents to enforce the ordinances, and to remove any and all persons afflicted with smallpox to its pest-house, and such officers and agents acted under the authority thus conferred in doing the negligent acts complained of whereby the intestate lost his life.

A demurrer was filed to the petition by appellee, and the same having been sustained by the lower court, the appellant refused to plead further; the petition was therefore dismissed, and appellee given judgment for its costs.

The case is now before this court, and the only question presented upon the appeal is, Does the petition state a good cause of action?

If the acts complained of in the petition were done by the appellee in the effort to protect the public health, which is a duty that appertains to the city in its public, and not in its corporate or private capacity, it would seem that there can be no liability upon its part, even though such duty was negligently performed by those to whom its performance was entrusted.

"The power or even duty on the part of a municipal corporation to make provision for the public health, and for the care of the sick and destitute, appertains to it in its public, and not corporate, or, as it is sometimes called, private, capacity, and therefore where a city under its charter, and the general law of the State enacted to prevent the spread of contagious diseases, establishes a hospital, it is not responsible to persons injured by reason of the misconduct of its agents and employes therein. * * *" (Dillon on Municipal Corporations, sections 977–989–981–2. City of Richmond *v.* Long's Adm'r., 17 Grattan, 375; Sherbourne *v.* Yarbo Co., 21 Cal., 113.)

We are unable to see how the failure of the appellee city to appoint a board of health can affect the question under consideration. A board of health would be but an instrumentality or agency in the hands of the municipal government to be employed in protecting and maintaining the public health. Any other means to the same end that would prove as effective as a board of health might be employed by the city, and still the duties to be performed would be such as grow out of the exercise of powers purely governmental.

It is insisted for the appellant that the appellee city participated in the alleged negligent acts of its officers in the manner of removing the intestate to the pest-house, because it directed the removal.

It is not, however, contended that the city council gave any special direction to remove the intestate to the pest-house, though it is conceded that it adopted proper ordinances under which to care for the public health. It can not be denied that it is the duty of the city authorities to enforce these ordinances by removing those who are afflicted with contagious diseases to the place provided for them. We fail to see, therefore, how, in performing these duties, the city can become a participant in the negligent acts of those who simply have in hand the removal to the pest-house of persons thus afflicted. At most, only the officers or agents guilty of such negligence may be held liable therefor.

Taking all that is alleged in the petition to be true, and it must be so considered for the purposes of the demurrer, it shows beyond question that the acts complained of were such as appertained or were incidental to appellee's duty to the public, and were done for the protection of the public health. The power exercised was therefore solely for the public good.

Finally, it is insisted for appellant that in any event this action was authorized by section 6, Kentucky Statutes, which provides that:

"Whenever the death of a person shall result from an injury inflicted by negligence or wrongful act, then in every such case damages may be recovered for such death from the person or persons, company or companies, corporation or corporations, their agents or servants causing the same. * * *"

The statute was enacted to conform to section 241 of our present Constitution, which confers the same right.

We can not believe that the statute and provision of the Constitution, *supra*, were intended to give a right of action against a municipal corporation for the death of a person occurring as a result of the act done, as in this case, in the performance of a duty which the municipality owed to the public, and the doing of which was but the exercise of power purely governmental.

It seems to us that to hold otherwise would practically do away with municipal authority in the matter of preserving the public health, which would result in consequences disastrous to the public welfare, and ruinous to every city in the State.

For the reasons indicated, the judgment is affirmed. (Twyman's Adm'r *v.* Frankfort, 78 S. W. Rep. 446.)

MAINE.

Warrant not necessary to removal.—A statute providing for the removal of a person who has a dangerous infectious disease to a separate house, if it can be done without great danger to him, is fairly within the constitutional exercise of the police power. (Haverty *v.* Bass, 66 Me. Rep. 71.)

NEW YORK.

Person when not a nuisance.—A person sick of an infectious and contagious disease in his own house or in suitable apartment at a public hotel or boarding house, is not a nuisance. (Boon *v.* City of Utica, 2 N. Y. Rep., 104.)

PENNSYLVANIA.

Removal of persons only justified by existence of disease.—A board of health may be enjoined from removing tenants and closing up houses where it is not justified by the existence of a pestilential disease. (Eddy *v.* Board of Health, 10 Phila. 94.)

TEXAS.

Necessary care must be exercised in removing patients.—The right of a city council, acting under legal authority, to enact and enforce an ordinance providing for the removal from the city limits of persons with contagious diseases, is not to be questioned. If the continuance of such persons in the city is incompatible with the safety of the inhabitants, the city or its agents may remove them, but every reasonable provision must be made for their safety. If the city authorities cause the removal of a person with contagious disease, and in doing so fail to exercise the care and precautions the circumstances demand and death results, they are responsible, even though acting under a city ordinance. (W. A. Aaron *v.* Broiles et al., 64 Tex. 316.)

HOSPITALS.

ILLINOIS.

City not liable for negligent acts of employees conducting hospital.—The power of a city to establish and maintain a hospital is given by the Illinois statute giving power to appoint a board of health, and prescribe its powers and duties; to erect and establish hospitals and medical dispensaries, and control

and regulate the same; and, to do all acts, make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease. It is apparent that under these provisions a city may conduct a hospital, either as a charity or as a means for the promotion of the general health of all its residents or the suppression of disease among all the inhabitants of the municipality, and for no other purpose.

If the purpose be charitable, then the city is not liable for the negligent acts of its employés in the institution. If, on the other hand, the purpose is to provide for the general health and welfare, and to provide for suppressing and preventing the spread of contagious or other diseases, the statute authorizing the city to acquire and maintain the hospital must be regarded as an exercise of the police power, which comprehends the making and enforcement of all such laws, ordinances and regulations as pertain to the comfort, safety, health, convenience, good order and welfare of the public. A city is not liable for the negligent acts of its agents or servants engaged in executing, enforcing or giving effect to its police ordinances and regulations.

Attention was called to the fact that under the Illinois law powers and duties conferred on municipal corporations are of two kinds: First, public or government; and, second, private or proprietary. And it was urged that maintaining a hospital by a city for revenue and profit to the city, as charged, brought this case within the second class of powers and duties, and that the city was, therefore, liable for the negligence of its employés engaged in conducting the hospital. The city did not possess the power, in its private or proprietary capacity, to engage in the business of conducting a hospital for revenue. If the municipal authorities had unlawfully entered on a course of that character, the city could not be made liable for negligence on their part or on the part of those employed by them in carrying out their purpose. (Tollefson *v.* City of Ottawa, 81 N. E. Rep. 283.)

INDIANA.

Power to rent buildings.—A municipal corporation having power to "remove or confine persons having infectious or contagious diseases" has power to rent a building for smallpox patients. (Anderson *v.* O'Conner, 98 Ind. 118).

Hospitals may be a nuisance.—Hospitals and houses for the sick are not prima facie or per se nuisances, but they might, under some circumstances, become such and be subject to injunction for maintaining a nuisance, where the evidence is clear and certain. (Barnard *v.* Sherley, 135 Indiana, 547.)

IOWA.

Consent of authorities necessary to establishment of pest-houses in their territory.—The power vested in cities to acquire and hold ground outside of their limits for hospital purposes is subject to the police power for the protection of the public health, and therefore a township can restrain a city from erecting a pest-house on territory under the jurisdiction of the township, even though the city owns the land. (Warner *v.* Stebbins, 82 N. W. Rep. 457).

Pest-house may be erected by authorities, if necessary.—In order to isolate a patient he may be removed to a separate house. If no suitable house may be had or if a temporary pest-house or hospital may be erected at less cost than the rent of such house, the board of health, in the exercise of wise discretion, may provide such building. * * * The expense of providing a place for isolating the infected persons is a part of the expense incurred in rendering "effective provisions for the safety of the inhabitants" which

the statute directs and requires, and under the express language of the section quoted, such expenses are chargeable to the county. (Staples *v.* Plymouth County, 17 N. W. Rep. 569.)

KANSAS.

Cancer hospital may be a nuisance.—The question was not whether the establishment of the hospital would place the occupants of the adjacent dwellings in actual danger of infection, but whether they would have reasonable ground to fear such a result, and whether, in view of the general dread inspired by the disease, the reasonable enjoyment of their property would not be materially interfered with by the bringing together of a considerable number of cancer patients in this place. However carefully the hospital might be conducted, and however worthy the institution might be, its mere presence, which would necessarily be manifested in various ways, would make the neighborhood less desirable for residence purposes, not to the oversensitive alone, but to persons of normal sensibilities. The court concludes that on these considerations the injunction asked for was rightfully granted. The establishment of a cancer hospital in a residence neighborhood in near proximity to dwellings may be enjoined at the instance of one owning and occupying adjacent property. (Stotler *v.* Rochelle, 109 Pac. Rep. 788.)

Under certain circumstances, a city should not be enjoined from using a public park building for a pest-house.—The city officers were charged at the time this action was commenced with the duty of providing means to prevent an epidemic of smallpox. They were compelled to perform these duties promptly. It was impossible for want of time to select a site and erect a suitable building. No houses could be obtained throughout the city which could be temporarily used for pest-house purposes. The situation presented an emergency which the officers were compelled to manage without delay, and in such a manner as would protect the rights of all interested parties. In this case the city and its officers were prohibited by the injunction from performing an important public duty. Public officers who are required by law to perform duties involving the exercise of judgment and discretion cannot be controlled by injunction while in good faith performing such duties. (City of Manhattan *v.* Hessin, 105 Pac. Rep. 44.)

KENTUCKY.

City not liable for negligent care of hospital patients.—This action was instituted by the appellant in the Kenton Circuit Court for the recovery of the sum of $5,000 in damages against appellee, the City of Covington, alleged to have been sustained by him by the acts of the appellee city through its officers and agents committed in substance as follows: That the city through its common council purchased real estate and erected a pest house thereon; that in the month of February, 1902, appellant was afflicted with a contagious disease known as smallpox; that the city through its agents and employees did, on the date aforesaid, go to appellant's house and assault and beat appellant, and took him by force against his will, while he was sick and unable to protect himself, and carried him to this pest house; that this house was unfit for any one, well or sick, to remain in; that the roof was broken, the sides of the house open, so that the rain, snow and ice could come in and upon him; that he was placed in a filthy, unhealthy and damp room and compelled to remain there for several weeks as a prisoner, against his wish and protest; that the bed, bedding and covering and place where he was kept was unfit for any one to

occupy; that because of said cold, sleet and snow and other elements, the filthy condition of the rooms and bed clothing, he suffered both mental and physical pain and anguish; that the ravages of the disease with which he was afflicted was increased by reason thereof. The petition contained two paragraphs, one for the assault and battery and the other for his sufferings by reason of the unsanitary condition of the pest house.

The appellee filed a motion to require the appellant to elect which cause of action he would prosecute. This motion was sustained, and the appellant elected to stand on the cause of action set out in the second paragraph, and he withdrew so much of his pleadings as set out the assault and battery. The appellant does not complain of the action of the court in requiring him to elect. The court then sustained a demurrer to the petition of appellant of which appellant complains. It is agreed that the officials who committed the wrongs complained of are personally liable for the injuries received. The only question to be determined is, Can the city be made liable therefor? Under the authority of the case of Hengehold *v.* The City of Covington, 22 Ky. Law Rep., 463, it was decided that it was lawful to remove an infected patient to the pest house, even against his will and consent. There being no statute making the city liable, we are constrained to affirm the action of the lower court in sustaining the demurrer to appellant's petition.

Where the judgment is affirmed. (Having *v.* City of Covington, 78 Sw. Rep. 431.)

MAINE.

Unlawful possession of house.—No action can be brought against a city or town for the unlawful acts of a board of health or other officers in taking possession of a house and using it for a smallpox hospital, unless this is done in accordance with the provisions of the law. (Lynde *v.* city of Rockland, 66 Me. 309.)

Vessels not to be converted into pest-houses.—Boards of health have no authority to convert vessels into hospitals or to assume control and possession of them to the exclusion of the owner, and therefore cities are not responsible for damages caused through the negligence or abuse of power by public officers in taking possession of a vessel. (Mitchell *v.* city of Rockland, 41 Me. Rep. 363, 45 Me. Rep. 505, 52 Me. Rep. 118.)

MARYLAND.

Other patients may be also sent to smallpox hospital.—Persons who have not smallpox, such as those with typhus fever, may be sent together with smallpox patients to a smallpox hospital from a ship in quarantine, in the exercise of the reasonable discretion vested in the health officer for the prevention or the propagation of smallpox. (Harrison *v.* Baltimore, 1 Gill 264.)

Liability for hospital treatment.—(For liability of vessel see Harrison *v.* Baltimore, 1 Gill 264.)

MASSACHUSETTS.

Occupancy of premises as pest-house.—The board of heath of a city which had no hospital for contagious diseases, finding a case of smallpox in the family of one of the tenants of a certain house belonging to a woman, quarantined the building and occupied it for a smallpox hospital, treating forty or more cases there. The board of health caused no warrant to issue under Pub. Sts., c. 80, § 43, which then was in force, to take the building as a

hospital; but the owner of the house executed a lease to them for a certain period for a monthly rent named therein, which it was stipulated should continue for such further time as the lessees should hold the premises. After the expiration of the term of the lease the monthly rent was increased in amount, the occupation as a hospital continued, and the owner of the house continued to receive the rent. Later she brought an action of tort against the members of the board of health for damages for alleged unlawful occupation of her premises. In this action she offered to show that in executing the lease she did not believe or realize that she was signing away any rights to recover damages, and that since the occupation by the defendants her house had been commonly known as "the pest house." The evidence was excluded, and a verdict was ordered for the defendants. *Held*, that the lease and the continued receipt of rent by the plaintiff after its expiration operated as a consent to the occupancy of the house by the defendants for a smallpox hospital, and rendered any action by them under the statute unnecessary; that the evidence offered by the plaintiff properly was excluded as incompetent and immaterial; and that the verdict for the defendants was ordered rightly. (Sallinger *v.* Smith *et al.*, 192 Mass. 317.)

Taking of land for hospital valid.—The taking by the city of Everett, under St. 1902, c. 465, of certain land in that city for a hospital for the treatment of contagious diseases, is valid.

When land is taken under statutory authority, if the owner chooses to waive irregularities in the taking and accepts payment in damages, the taking becomes good as to him; and *semble* that no one else can take advantage of the irregularities.

St. 1902, c. 465, authorizing the city of Everett to take land for a hospital for the treatment of contagious diseases, is constitutional.

A statute authorizing a city to take land for a hospital for the treatment of contagious diseases, although an exercise of the right of eminent domain so far as it affects the owner of the land taken, is in its general purpose an exercise of the police power for the protection of the public health.

In this Commonwealth a city has authority without special legislation to erect a hospital for the treatment of contagious diseases on land purchased for the purpose.

A hospital erected by a city for the treatment of contagious diseases is, by R. L., c. 75, § 40 (now § 37), under the supervision of the board of health, and in the absence of proof will not be presumed to be a nuisance public or private. (Manning *v.* Bruce *et al.*, 186 Mass. 282.)

Except under warrant, consent of owner necessary to establishment of hospital.—The board of health of a city can not, without the consent of the owner, lawfully establish and use premises as a hospital for patients sick with the smallpox, except under a warrant issued in accordance with the provisions of Public Statutes, chapter 80, section 43 (acts of 1902, ch. 206, sec. 2).

An owner of land, who is not in possession and has no right of possession thereof, can not maintain an action of trespass quare clausum fregit, but may maintain an action for an injury to the reversion.

The owner of a house in a city, which, while in the possession of a tenant at will, is taken and used, without the owner's consent, by the board of health of the city as a hospital for parties sick with the smallpox, may maintain an action against the members of the board for the injury to his reversion, if it appears that such use of the house diminished its rentable value.

A tenant at will in possession of a house in a city can not, as against the rights of the owner, authorize the board of health of the city to establish in the house a hospital for patients afflicted with an infectious disease, and to

maintain such a hospital there to the damage of the reversion. (Hersey *v.* Chapin, 162 Mass., 176.)

Boards of health can not convert vessel into hospital.—Under the sections relating to the quarantine of vessels, while the board of health may make regulations relating thereto, extending to all persons, goods or effects thereon, or all persons visiting or going on board the same, they are not authorized to take possession of, control, or appropriate the same, or any part thereof, to the use of a hospital.

Under Public Statutes, chapter 80, sections 40, 41, 75 (R. L., ch. 75, sec. 36), the board of health of a town has no authority to take possession of a dwelling house and the furniture therein, without the consent of the owner and occupant and to his exclusion, and use the house as a hospital for a person found therein who is infected with a contagious disease, and is too sick to be removed without danger to his health; and the owner can not maintain an action of contract against the town for the use and occupation of the house during the time it was so held by the board of health. (Spring *v.* Hyde Park, 137 Mass., 554.)

Expenses in hospital not charge against vessel.—The owner of a vessel under quarantine regulations is not liable for the expenses of a seaman at a hospital, to which he had been transferred by order of the board of health of a town, and which was under their care. (Provincetown *v.* Smith, 120 Mass. 96.)

Consent of owner necessary to establishment of hospital.—A member of the board of health of a town has no authority, against the consent of the owner or occupant, to take possession of a dwelling house in which a contagious disease exists, and of the furniture therein, to the exclusion of such owner or occupant, and to carry away and destroy portions of the furniture, or to station a person on the premises with instructions to prevent ingress to and egress from the same, except in the manner pointed out in Public Statutes, chapter 80 (R. L., ch. 75).[1]

If a person cannot be removed without danger to health, "the house or place where he remains shall be considered as a hospital, and all persons residing in or in any way concerned within the same shall be subject to the regulations of the board as before provided."

By reference to the preceding section (§ 38, p. 12), it is seen that, when a hospital is established, "the physician, nurses, attendants, the persons sick therein, and all persons approaching or coming within the limits thereof, and all furniture or other articles used or brought there," are subjected to such regulations as the board of health may prescribe. These sections do not authorize the taking possession by the board of health, acting without a warrant, of premises to the exclusion of the owner thereof, or of the person entitled to lawful possession, even where one is too sick to be removed; but authorize such premises, and the use thereof, to be subjected to regulations of a very stringent character. Section 41 (§ 36) contemplates that, when a person cannot be removed, a contract may be made for his comfort where he is; and, in such case, persons in the neighborhood may be removed, and other precautions taken. (Brown *v.* Murdock, 140 Mass., 314, 322.)

Recovery of hospital expenses.—The provision of R. L., c. 75, § 40 (§ 37)[2] that "each city shall establish and be constantly provided, within its limits, with one or more isolation hospitals for the reception of persons having smallpox or any other disease dangerous to the public health," does not require that all persons ill with smallpox shall be treated in such hospitals and not elsewhere; and under the provisions of § 42 (§ 36) of the same chapter it is within

[1] See p. 420.

[2] See p. 416.

the power of the proper officers of a city either to remove to a hospital the persons who have fallen ill of smallpox or to care for them in the houses where they reside; [and no person can be removed to a hospital against his will unless in the opinion of the city's board of health and of the attending physician the case cannot be isolated properly in the house where the patient resides.][1]

For these reasons the failure of a city to provide itself with a smallpox hospital does not prevent it from recovering in an action against another city under R. L., c. 75, § 57, for expenses incurred by its board of health for persons infected with smallpox having a settlement in the defendant city. (Haverhill *v.* Marlborough, 187 Mass. 150.)

In using property for smallpox hospital, liability for "waste" may be incurred.—The plaintiff in this case was the holder of a mortgage on property which the defendants, acting as members of the board of health of the city of Everett, leased from the owner, after he had given the mortgage, "to be used as a contagious disease hospital." The plaintiff claimed damages, in the nature of waste. The jury fixed his damages at $1,800, but the trial judge ruled that there could be no recovery, which the court holds was not necessarily so.

Impregnation of a building with the indiscernible but vital germs of a dangerous malady is closely analogous to the sowing of seeds of deleterious plants, and may be in its effect far more injurious. It may be in fact even more harmful than to tear down or remove a part of the building. It is in principle the same general kind of injury as the more familiar instances of waste. The possibility of germination of the disease germs which, it might have been found, were deposited through the action of the defendants within the house in question was or might have been found to be waste, unless it was shown that they could be removed by disinfection or otherwise, without material physical change in the building, so as to make it as safe for residence as before.

A case like the one in question should be submitted to the jury under instructions which would permit the plaintiff to recover the material diminution in the value of his property for every valuable use among ordinarily intelligent men arising from the occupancy for a smallpox hospital, provided the jury were satisfied that it was not reasonable and proper to let the building for this purpose, having reference to the probable effects on its future growing out of the presence of disease-producing conditions, in view of the existing state of the art of disinfection or other way of rendering it healthful, and excluding all sentimental or fanciful notions affecting only its reputation. (Delano *v.* Smith and others, 92 N. E. Rep. 500.)

Liability, health authorities, in locating hospital.—It is not true that a public officer is exempt from liability for all acts done in his official capacity. In fixing the location of a smallpox hospital, the members of a city board of health exercise a discretion which the legislature has required them to exercise as public officers, and their decision on the question, being quasi judicial or quasi legislative, is final, and it is not competent to make them liable for a mistake or for negligence in the exercise of it; that is, in the location of the hospital. But if the defendants were personally negligent in the maintenance of the hospital, and in consequence of that negligence the hospital became a nuisance to the plaintiff's adjoining houses and land, the defendants were liable, provided their negligence was a misfeasance, as distinguished from a nonfeasance. If they were guilty of a nonfeasance only no action would lie against them. (Barry *v.* Smith (Mass.), 77 N. E. Rep., 1099.)

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[1] This is no longer true, the laws having been amended.

MICHIGAN.

Consent of locality affected necessary to the establishment of hospitals in adjoining municipality.—By the general laws of Michigan townships have been authorized to acquire sites for hospitals in other townships, but the right has always been subject to the consent of the township where the hospital is to be located. Cities by their charters and fourth class cities under the general law have been given the naked right to acquire extraterritorial sites for contagious disease hospitals for the reason that, without such legislation, such municipalities had no right to do so. Nothing is said in any of these acts relative to the consent of the invaded township. But the construction that the authority to acquire hospital sites without their limits is an authority granted to cities and villages for the purpose of giving them a recognized benefit already enjoyed by townships generally, leaving them, as to the exercise and enjoyment of such benefits, to be governed by the general laws in force on the subject, will comport with the well-established doctrine of local self-government of each municipality within its limits. Such a construction is a reasonable one. It will preserve to each municipality the provision for the prohibition of the entrance of person, corpse, or thing infected or suspected of infection, with any dangerous communicable disease, within any municipality, without the consent and supervision of its health officials, which has been the greatest safeguard of the public health. (Summit Township *v.* City of Jackson, 117 N. W. Rep. 545.)

MISSOURI.

Power of health authorities to establish hospitals.—A city ordinance giving the board of health general supervision over the health of the city includes the power to rent a building to be used as a hospital, to protect the city from an infection of cholera. (Aull *v.* City of Lexington, 18 Mo., 401.)

NEW JERSEY.

Contagious disease hospital not per se a nuisance.—A building used as a hospital for the treatment of diseases contagious and infectious in their nature is not per se a nuisance, and the erection and use of such a building will not be restrained simply because there is an apprehension that it may result in being a nuisance; but the court must be satisfied that there is a well-grounded apprehension. (State ex. rel. Bd. of Health of Hamilton Township *v.* Inhabitants of the City of Trenton, 63 Atl. Rep. 897.)

NEW YORK.

Unlawful seizure of houses.—A city is not liable for the unlawful seizure of a house for the establishment of a pest-house, although the aldermen would be liable if not vested with the powers of a board of health. (Boom *v.* Utica, 2 Barb. 104.)

Authority to "procure suitable places" for patients does not contemplate purchase of land.—The authority of a board of health to "procure" suitable places for the reception of persons with contagious diseases does not extend to the purchase of land for that purpose. (People v. Monroe County Superv., 18 Barb. 567.)

PENNSYLVANIA.

Owners of vessels may be made responsible for hospital care of detained passengers.—The owners or consignees of vessels may be by statute made liable for the cost of boarding, nursing, and medical attendance furnished to emigrant

passengers brought on such vessels, while they are properly detained in a lazaretto. (Board of health *v.* Loyd, 1 Phila. 20.)

TEXAS.

Pest-house near to school a nuisance.—A pest-house in close proximity (193 feet,) to a public school is a nuisance, and the authority vested in county authorities to provide pest-houses does not authorize them to maintain a nuisance. (Thompson *v.* Kimbrough, 57 S. W. Rep. 328.)

WASHINGTON.

Seizure of private buildings.—Under the provisions on the statute books,[1] a qualified county health officer has power to seize a private building in which to confine a smallpox patient, without express authorization from the county board of health. (Brown *v.* Pierce County, 68 Pac. 872.)

Location of hospitals.—There are many unpleasant and annoying things that must be borne by those living in a state of organized society, in order that others may enjoy their equal rights under the law, but the preservation of the public health and safety is one of the chief objects of local government, and every citizen holds his property subject to a reasonable exercise of the police power of the State. In the court's opinion, this ordinance was a reasonable and proper application of the maxim, "So use your own as not to injure another's," and was sustained by the maxim "The welfare of the people is the supreme law," in which the police power of the State finds its chief support.

The contention that the ordinance (regulating the location and maintenance of private hospitals and sanatoriums) was void because it was admitted that it was enacted at the solicitation of persons residing in the vicinity of said premises and solely in their behalf as a local and special regulation, is answered by the court's saying that it was not permitted to inquire into the motives of the city council. If the ordinance was valid on its face, the reasons or arguments that might have moved the city council to act were not pertinent. (Sheppard *v.* Seattle (Wash.), 109 Pac. Rep., 1067.)

DISINFECTION.

FLORIDA.

Vessels to be fumigated only when quarantined.—A county board of health cannot require a vessel to be fumigated or disinfected unless it is subject to and put in quarantine. (Forbes *v.* Escambia County board of health, 28 Fla. Rep. 26.)

HAWAII.

Destruction of buildings.—A board of health may order the burning of buildings when necessary for purposes within the scope of its duties and acts in a particular case, officially and in good faith and within the apparent scope of its powers. The board can have buildings infected with plague destroyed through the fire department or by any other body or person. It is immaterial through whom or by what measures the board acted in carrying out its resolution that the "structures are insanitary and infected by plague and incapable of being disinfected by any other means than fire." (Ahana *v.* Ins. Co. of North America, 15 H. 636. See also Kwong Lee Yuen Co. *v.* Manchester Fire Assurance Co., 15 H. 704.)

[1] See pp. 642–3.

Iowa counties responsible for expenses incurred in disinfecting infected buildings, even when no quarantine has been maintained.—The entire purpose of the statute (section 2570a of the Supplement to the Iowa Code[1]) it to protect the public from the evil effects of infectious or contagious diseases, and it is made the duty of the board of health to make such provisions as shall, in its judgment, best afford such protection, and to this end the board is given absolute control over the diseased persons, and over the premises they occupy at the time. The board may quarantine, or it may remove the person, if it sees fit to do so; but, whether it does so or not, it may control the person and premises, and, in the court's judgment, in any and all events, it is just as incumbent on the board to protect the public by the exercise of authority over the building as it is by the exercise of authority over the person.

It will not be claimed, the court apprehends, that the expense of medical attendance and the like is not chargeable to the county under section 2570a, where the board has assumed the control of such person; and if the board considers it necessary for the public welfare that the premises be disinfected, although no quarantine has been maintained, the court thinks the statute intended that the expense thereof should also be paid by the county. The statute leaves it with the board of health to determine what infectious or contagious diseases are a menace to the public health, and provides that the board shall also determine what steps shall be taken to best protect the inhabitants therefrom; and if, in the judgment of the board, it is wise to disinfect premises where no quarantine has been maintained it is clearly within its power to do so, and when it has done so the court thinks the expense of such service is chargeable to the county.

The evidence in this case clearly showed that there was a ratification by the local board after the plaintiff's service had been rendered; hence it was immaterial whether there was a prior contract. There was no evidence before the jury tending to show that disinfecting after measles was an unreasonable requirement on the part of the board of health, and the reasonableness or unreasonableness of the rule was not a matter for the consideration of the jury.

But there was a considerable conflict in the evidence as to the value of the services rendered by the plaintiff in disinfecting the buildings in question, for which he charged and was allowed $5 each, and the court thinks that the question should have been submitted to the jury, instead of a verdict being directed for the full amount of the plaintiff's claim. The testimony of men who had disinfected buildings at other times, under the direction of officers of the town, which showed that the service rendered by the plaintiff in that respect was not of the value claimed, was competent. It was true that these men were not physicians, nor experts in disinfecting, but their testimony showed what they had done, and the material they had used in the work, and the time taken, and the value of the material. If it was work that could be as well done by a non-professional, or non-expert, as by the plaintiff, the county was not bound to pay more than its reasonable value, no matter by whom it was done. The approval of the bill by the local board of health was prima facie evidence only of the value of the service, and it was for the jury to say what such value was, under the entire record. (Sawyer *v.* Wapello County, 133 N. W. Rep. 104.)

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[1] See p. 376.

KENTUCKY.

Health authorities not liable for damages caused by fumigation of store in the suppression of an outbreak of smallpox.—Sheriff and members of the Lyon county board of health were declared not liable for damages sustained by the plaintiff in having her store fumigated, etc. The laws from which boards of health derive their powers must be liberally construed that they may be not needlessly restricted in their efforts to preserve the public health; otherwise health officers would be unable to know their duties and so embarrassed in their performance as to hesitate to act, until irreparable injury had resulted to the public. (Allison *v.* Cash and others, 137 S. W. Rep. 245.)

LOUISIANA.

In the absence of specific law, president of board of health can not order disinfection.—The president of a board of health, acting without authority of law or of the board except under a general authority to act in emergencies is personally liable for the damages caused by his action in ordering the fumigation of a cargo of fruit, where the vessel had a clear bill of health and came from a port in the West Indies where no sickness was known to exist. (Beers *v.* Board of Health, 35 La. Ann. 1132.)

MAINE.

Community not liable for health officer's failure to disinfect.—The failure of a health officer to properly disinfect persons exposed to smallpox does not make the community liable for damages caused to a third person who claims he contracted the disease through contact with the exposed person. (Brown *v.* Inhabitants of Vinalhaven, 65 Me. 402.)

No precaution can be neglected in disinfecting.—Where the public health and human life are concerned the law requires the highest degree of care. It will not allow of experiments to see if a less degree of care will not answer. The keeper of a furious dog or a mad bull is not allowed to let them go at large to see whether they will bite or gore the neighbors' children. Nor is the dealer in nitro-glycerine allowed, in the presence of his customers, to see how hard a kick a can of it will bear without exploding. Nor is the dealer in gunpowder allowed to see how near his magazine may be located to a blacksmith's forge without being blown up. Nor is one using a steam engine allowed to see how much steam he can possibly put on without bursting the boiler. No more are those in charge of small-pox patients allowed to experiment to see how little cleansing will answer; how much paper spit upon and bedaubed with small-pox virus it will do to leave upon the walls of the rooms where the patients have been confined. The law will not tolerate such experiments. It demands the exercise of all possible care. In all cases of doubt the safest course should be pursued, remembering that it is infinitely better to do too much than to run the risk of doing too little. (Seavey *v.* Preble, 64 Me. 120.)

MARYLAND.

Vessel responsible for disinfection charges.—Reasonable and fair expenses incurred by a city in disinfecting a ship which has passengers infected with smallpox may be charged to vessel. (Harrison *v.* Baltimore, 1 Gill 264.)

MASSACHUSETTS.

Value of destroyed property.—In an action against a member of the board of health of a town, who unlawfully took possession of the furniture in a house in which a contagious disease existed, and destroyed it, the defendant asked the judge to rule that the measure of damages was the market value of the property in its infected condition. The judge refused so to rule, and instructed the jury that the plaintiff was entitled to recover what the property was worth at the time it was taken, taking into consideration how much the value had been affected by its exposure to infection. *Held*, that the defendant had no ground of exception. (Brown *v.* Murdock, 140 Mass. 314.)

MICHIGAN.

Health officer not entitled to extra compensation for disinfecting.—Health officers are not entitled to extra compensation for disinfecting and fumigating houses in which cases of contagious diseases had occurred, this being one of the duties of the health officer as specified in the Michigan statutes. (Tabor *v.* Bd. of Supervisors of Berrien County, 120 N. W. Rep., 588.)

NEW HAMPSHIRE.

Towns not liable for property destroyed by health officers or services of persons not employed by them.—When the health officer destroyed the infected bedding, after a boarder in the plaintiff's family had had the smallpox, he was not acting as the agent of the town, but as a public officer, under legislative authority, for the benefit and protection of the public. He was as much a public officer as highway surveyors, police officers, and firemen, for whose acts while in the discharge of a public or governmental duty, even if wrongful, the town is not responsible, in the absence of a statute making it responsible therefor. As no statute of New Hampshire has been found making towns liable for property destroyed by health officers, the plaintiff could not recover therefor. Nor could he recover of the town for care furnished by his wife to the patient, because she was not employed by the health officer in charge of the case, and the board of health has not decided that any part of this expense should be deemed a legitimate expenditure for the protection of the public health. (Creier *v.* Town of Fitzwilliam, N. H., 83 Atl. Rep. 128.)

NEW YORK.

Responsibility of vessel officers in supervising disinfecting apparatus.—When the health authorities have furnished proper materials for fumigating a vessel and distributed them around the steerage quarters and given proper instructions before leaving the vessel, the duty devolves upon the captain and his subordinates to attend to the removal of the disinfecting apparatus and see that the passengers are not exposed to danger from this source. The captain may be held liable for negligence in leaving unprotected poisons within reach of a child. (Kennedy *v.* Ryall, 67 N. Y. Rep. 379.)

Disinfection of rags.—Under the quarantine law of this State and the United States Statutes the health officer of the port of New York is clothed with power to use means to protect the public against contagia from infected vessels and cargoes arriving at this port. Under the provisions of the quarantine act which declare that "whenever any expense shall be incurred by the

health officer, or whenever any services shall be rendered by him or his employees in the discharge of the duties imposed upon him by law in relation to vessels, merchandise * * * under quarantine, such expense and services shall be paid for by the masters of the vessels" to the health officer, and shall be a lien on the vessels, merchandise, etc., such charges can only be incurred through the official action or in execution of the orders of the health officer and are subject to his control; to create the lien, his official sanction and responsibility are essential.

In an action to recover damages for the alleged unlawful taking and detention of certain cargoes of rags imported by plaintiffs, it appeared that the warehouse of the defendants, who composed the firm of B. & Co., had, under the advice and with the approval of the health officer of the port of New York and of the health commissioner of Brooklyn, been designated by the Secretary of the Treasury as a warehouse for the storage and disinfection of imported rags. Robbins Reef had also been designated as another place for disinfection. In pursuance of this authority the collector sent one cargo of the rags for disinfection to the warehouse of B. & Co. and another to Robbins Reef. *Held*, that what was done in transferring the rags from the vessels to the selected warehouses was within the power of the health officer, and so that the charges for lighterage paid, in accordance with the custom, by B. & Co. on the rags sent to their warehouse, and the usual charges for storage for the time the goods properly remained in said warehouse, were a lien upon the rags.

The quarantine regulations promulgated by the health officer contained a provision to the effect that a vessel with rags from healthy ports would be required to furnish satisfactory evidence that the rags were gathered in districts where no suspicion of cholera existed; in default of which the cargo would be subject to the regulation applicable to rags from an infected port. The evidence required was an affidavit of the shipper and a certificate of the United States consul at the port of shipment "that the person making the affidavit is a man of good character and entitled to credit." The rags in question came from a healthy port. There was an affidavit of the shipper, as required, but the consular certificate did not contain the statement required as to the character of the affiant. *Held*, that the proof was defective and the rags were properly held subject to said regulation.

A company had established disinfecting works at Robbins Reef, and was employed by the health officer to perform that work. The lighterage charges on the cargo delivered there were paid by B. & Co. The rags delivered to that firm were disinfected by it, the work being done without any employment or direction of the health officer, and without approval by him of the work or the charge therefor. Said firm refused to deliver the rags in its warehouse to plaintiffs unless the bills for lighterage and disinfection were paid. They were paid by plaintiffs under protest, and the rags were thereupon delivered to them. *Held*, that the charges for disinfection were not brought within the statute, as they had not the official sanction of the health officer; and so the B. & Co. had no lien therefor, and so far as defendants required the payment of those charges as a condition of delivery they were chargeable with duress of property and plaintiffs were entitled to recover back the same. (Lockwood *v.* Bartlett, 130 N. Y., 340.)

UNITED STATES.

Disinfection of rags.—The defendants claimed as a Federal question that they had set up as a defense to this action an authority exercised under the United States, viz, an authority given by the collector of customs to disinfect these rags.

In relation to this the general term held that the Revised Statutes gave no authority to the collector to take possession of these goods, and retain possession of them, and that his seizure of the goods, and causing them to be sent to the Baltic stores, was an unauthorized act, and if he caused them to be disinfected, he became liable in damages.

The Court of Appeals, however, held that the direction of the collector that the rags should be sent to the places where they were taken was pursuant to the requirement that they should be disinfected, and in aid of the health officer in the execution of his official power by the observance of the regulations made by him; that the collector gave no order for their disinfection; that the health officer gave no such order; and that the defendants assumed to disinfect them without authority, hence their charges therefor were illegal; but that, as the collector had properly sent them the goods for such action as the health authorities might see fit to take, the plaintiffs became liable for storage and lighterage.

It follows, then, that as the Court of Appeals ruled, as matter of fact, that the collector never ordered the rags to be disinfected, a ruling which is not reviewable here (Dower *v.* Richards, 151 U. S., 658; In re Buchanan, 158 U. S., 31; Israel *v.* Arthur, 152 U. S., 355) and as a matter of law, that he had the right to send them to the proper warehouse for disinfection, it appears that the ruling was in favor of and not against the validity of the authority set up and claimed under the laws of the United States. We may add in this connection that, as it clearly appears that the collector had no authority to order the goods to be disinfected, we think the Court of Appeals was correct in holding that his somewhat ambiguous order of June 9, directing that the goods should be sent to the Baltic stores for disinfection, should be considered as an order to send the goods for disinfection, in case such disinfection was ordered by the health officer. The disinfection, if ordered at all, was ordered by the health officer, and the charges for this are all for which the defendants were held liable. Whether such order was ever given by the health officer was a question solely within the jurisdiction of the State court. (Bartlett *v.* Lockwood, 160 U. S. Rep., 368.)

NORTH CAROLINA.

No authority to burn dwelling house.—Under authority to make rules and regulations to prevent the spread of communicable diseases, county authorities have no power to burn a dwelling house to prevent the spread of smallpox; and this act, being outside of their corporate powers, they would not be liable in their corporate capacity to an action therefor; nor have town commissioners such power under authority to have destroyed or disinfected furniture or other articles believed to be tainted. (Prichard *v.* Comm'rs. of Morgantown, 36 S. E. Rep. 353.)

TEXAS.

Whether burning or disinfection is necessary question for jury.—Jury to decide question as to whether it was necessary to burn rather than disinfect wearing apparel destroyed by direction of the city, during a smallpox epidemic, for which damages were asked, on the plea that the article could have been rendered innocuous by disinfection. A city can no more destroy the property of a citizen in stamping out an epidemic than in checking a fire, but to the same extent it can do this, with exemption from liability in a proper case. The measure of damages for property wrongfully destroyed is the market value and interest only when it has a market value. Where property has no market

value, the measure of damages is its value to the owner and not the amount it would cost him to replace it at the time and place it was destroyed. (City of Dallas *v.* Allen, 40 S. W. Rep. 324.)

VIRGINIA.

County not liable for infected goods destroyed by board of health.—The county was not liable for goods destroyed by the local board of health after smallpox broke out in a building in one room of which there was a general store and the building had been used as a place of quarantine. While the local board of health is authorized among other things to see to the abatement of nuisances, there is no provision in the Virginia statute law which makes the county liable for the value of property destroyed as a nuisance by the local board of health. Without such a statute, it seems to be well settled that there can be no recovery against a city, and still less against a county. It is also well settled that destroying property because it is a dangerous nuisance is not, as seemed to be contended in this case. an appropriation of it to a public use, but is to prevent any use of it by the owner and end its existence, because it could not be used consistently with the maxim, "So use your own as not to injure another's." In abating nuisances, the public does not exercise the power of eminent domain, but the police power. (Louisa County *v.* Yancey's Trustee, 109 Va. 229.)

LEPROSY.

HAWAII.

Provisions of law must be followed in examining lepers.—Upon habeas corpus questioning the legality of the detention of a leper suspect, the only issue is the regularity of the proceedings under the statute,[1] and the existence or non-existence of leprosy will not be determined collaterally, as this would enable every person regularly pronounced a leper to have the decision of the board of examining physicians reviewed by the court which is not the tribunal designated by the legislature

The law applies to all persons in custody as leper suspects, whether arrested under warrant or surrendered themselves. A leper suspect in custody, having selected a physician to examine her in accordance with the statutes and being thereafter required without legal cause to select another physician, cannot be held to have waived her rights, and subsequent proceedings with the second physician are void. (In re Kaiahua, 19 H. 218.)

MARYLAND.

Placing of a patient in a private home is not establishing a pest-house.—The placing of a woman afflicted with leprosy in the private house of a laborer who is not an officer of the city does not amount to establishing a hospital for the isolation and treatment of contagious diseases as permitted by the statutes. The power to erect and maintain hospitals does not justify the making of a contract for keeping such patients at a private house located on city land in a settled district, since this would tend to facilitate the spread of the disease instead of protecting the community. (City of Baltimore *v.* Fairfield Imp. Co., 39 Atl. 1081.)

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[1] See p. 352.

SOUTH CAROLINA.

Nothing but necessity justifies board of health in sending refined elderly woman with leprosy to pest-house.—While there was a strong showing that the anesthetic form of the disease was only slightly contagious, when the distressing nature of the malady was regarded, it was manifest that the board was well within its rights in requiring the victim to be isolated. However, the court does not think that there was any necessity to send such a patient to the pest-house, which in this instance was a structure of four small rooms in a row, with no piazzas, used previously for the isolation of negroes with smallpox, situated within 100 yards of the place where the trash of the city, except its offensive offal, was collected and burned. Nothing but necessity would justify the board of health in requiring even temporary isolation in such a place for an elderly lady, enfeebled by disease, and accustomed to the comforts of life, and the court thinks there was a strong prima facie showing that there was no good reason to conclude that such necessity existed.

For these reasons the court affirms a decree granting a temporary injunction restraining the board of health from removing the plaintiff to the city hospital for infectious diseases or pesthouse, the order containing the condition that it was not to be understood as interfering with the board of health in maintaining such quarantine regulations as they might deem necessary for the public safety. Still the court wishes it understood that it cannot too strongly emphasize the caution which courts should exercise in entertaining applications for injunction against boards of health. (Kirk *v.* Wyman and others, 65 S. E. Rep. 387.)

PUBLIC EXPOSURE.

Smallpox.—A person may be indicted for carrying along a public highway a child infected with small-pox. (Rex *v.* Vantandillo, 4 M. & S., 73.)

KENTUCKY.

Evidence must be sufficient to sustain conviction of wrongful exposure while afflicted with smallpox.—There was but very slight evidence to show that the accused had the smallpox and none that he had reason to believe that he had it when he voluntarily went on the streets and public highways, and the court should have instructed the jury peremptorily to find him not guilty. (Lawrence *v.* Commonwealth, 127 S. W. Rep. 1013.)

MISSOURI.

Person liable for negligently communicating smallpox.—Any one afflicted with the disease of smallpox, which is known by every one to be a highly contagious disease, owes to every one the duty so to conduct himself as not to communicate this disease to them, after he becomes aware that he is afflicted with it. Hence, if the defendant knew that he was afflicted with smallpox, it then became and was his duty to keep away from other persons, or should other persons approach him, to notify them of the fact so that they might protect themselves. (Franklin *v.* Butcher, 129 S. W. Rep. 428.)

SOUTH DAKOTA.

Evidence must be submitted of knowledge of regulations before penalty can be exacted.—A charge that a person disobeyed a quarantine order of a board of health prohibiting him from going out in the streets must also show that

he had knowledge of the order, because such an order is unlike a general law, knowledge of which is imputed to every one. (State *v.* Butts, 9 L. R. A. 725.)

TRANSMISSION OF DISEASE.

UNITED STATES.

Liability for transmission of disease.—A lodger who takes children into a boarding house knowing that they have whooping cough is liable for damages, where as a result of his action, other children in the house contract the disease. (Smith *v.* Baker, 20 Fed. Rep. 709.)

CONNECTICUT.

Drainage from typhoid fever place.—Evidence that there were numerous cases of typhoid fever in a building, the drainage from which was conducted by the defendant to the beds for filtering the sewage that ran into the plaintiff's stream, was admissible in connection with evidence that the plaintiff's stream continued to be contaminated by the drainage after the use of the filter beds, as tending to prove both a diminished value of such use, even without further proof that the germs of such disease actually reached the plaintiff's stream, and although it appeared that the water of the plaintiff's stream was not then used for drinking purposes. Under such circumstances the plaintiff could neither be expected to use such a stream for drinking purposes for his own cattle nor to be able to procure others to so use it. (Gorham *v.* City of New Haven, 66 Atl. Rep. 505.)

GEORGIA.

A liability may be incurred by maintaining breeding places for mosquitoes, if malaria is contracted on this account.—Public service corporations in the construction of dams and in the backing of water must choose their sites with due regard to the surroundings. They are not authorized to maintain stagnant ponds, polluted pools of water, or places in which mosquitoes breed, in unusual numbers, to the endangering of the health of surrounding communities.

There was testimony in this case from which the jury might have found that the plaintiff had a spell of malarial fever as a result of being bitten by anopheles mosquitoes, bred in unusual numbers in stagnant water caused by the power company's dam, but that the mosquitoes would have been incapable of communicating the disease if they had not previously bitten a person having malaria in his system. It is held that the court properly refused to charge the jury that under these circumstances the damages would be too remote to hold the company liable therefor.

Where the question is as to the cause of an attack of malarial fever suffered by the plaintiff, it is relevant for him to prove that the defendant erected a dam which caused the water to become stagnant and the mosquitoes to breed in unusual numbers; that previously there had been no malarial fever in the community; that the erection of the dam and the breeding of the unusual number of mosquitoes was followed by an epidemic of malaria; and that in the opinion of experts malaria is communicated by mosquitoes. The testimony is circumstantial, but of probative value.

Counsel ingeniously, and the court suspects, somewhat facetiously, argued in this case, the court says, that the mosquito is an animal ferae naturae (of a wild nature), and that in an action for damage done by a dangerous animal scienter (knowledge) on the part of the person harboring it is a necessary allegation. But, without making any specific classification of mosquitoes, the

court holds that they are a common pest, and that the maintenance of a place where they breed in unusual numbers is such a menace to persons residing nearby as to make that place ordinarily a nuisance; and that if, as a result of the maintenance of such a place, the mosquitoes do in fact breed there, as they otherwise would not have bred, and become inoculated with malaria, and, in accordance with what is naturally to be expected, fly abroad and communicate malarial fevers, the proprietor of the breeding place is in legal contemplation proximately the author of the damage.

Testimony that prior to the creation of the pond there were but few mosquitoes and no cases of malarial fever in the community, that the pond had stagnant pools in it favorable to the breeding of mosquitoes, that, following its creation, the mosquitoes appeared in unusual numbers, and an epidemic of malarial fever broke out in the community, would in connection with expert testimony that malaria is conveyed by mosquitoes, be relevant circumstantial evidence on the question as to whether the creation of the pond caused the epidemic of fever. The range of such testimony, like that in cases of experiments, is largely within the discretion of the trial judge.

Presumptively, any practicing physician is by virtue of his profession an expert on the methods by which diseases are communicated. In order to qualify one as an expert witness, it is not necessary that he or any one else should testify in so many words that he is an expert, but the fact that he is entitled to give expert testimony may be shown by a satement of his profession, occupation, education, and experience. The extent of the witness' knowledge or opportunities for accurate information on the subject may be shown either by the direct or the cross-examination. The weight to be given his testimony is for the jury. A practicing physician who has treated a case of malarial fever, and who is acquainted with surrounding conditions, is competent to express an opinion as an expert on the causes of the fever, although his general ideas on the question may be out of harmony with those entertained by his profession generally and by the majority of scientific men.

When one is in possession of premises as a tenant and another maintains a temporary nuisance, whereby the premises are rendered unhealthful, and the tenant and dependent members of his household are made sick, the tenant may recover, not only for the diminution caused to the value of his leasehold interest by the fact that the premises have become undesirable for habitation, but also for the direct damages caused him by the illness of himself and his family. His illness and that of the household is evidentiary on the question as to whether the premises have been rendered undesirable for habitation and therefore of less rental value, but the pain and suffering, physician's bills, loss of time, etc., directly resulting from the illness, are elements of damage apart from the loss sustained in the shrinkage of the value of the property and there may be a recovery of the damages from both sources when the pleadings and the evidence are such as to authorize it. (Towaliga Falls Power Co. *v.* Sims, 65 S. E. Rep. 844.)

IOWA.

Liability, hotels.—An innkeeper who receives a guest after he knows there is smallpox in the inn is responsible to the guest so received if the latter contracts the disease. (Gilbert *v.* Hoffman, 66 Ia. Rep. 205.)

KANSAS.

Liability, railroads.—A railroad company is not liable for the communication to a passenger of a contagious disease by its ticket agent, if neither the com-

pany nor any of its superior officers had any knowledge that he had the disease. (Long *v.* Chicago, Kan. & W. Ry. Co., 15 L. R. A. 319.)

MASSACHUSETTS.

Liability, landlords.—A landlord who leases a dwelling, knowing that it is infected with smallpox or diphtheria, is liable to the tenant, if the latter or his family contract the disease in consequence. Even where the house has been disinfected, liability exists, if sanitary defects are present. (Minor *v.* Sharon, 112 Mass. Rep. 477; Cutter *v.* Hamlen, 147 Mass. Rep. 471.)

MICHIGAN.

Non-liability of cities.—A city is not liable when smallpox is contracted by a person employed by its officers to tear down a building that has been used as a smallpox hospital, the premises not having been disinfected, nor the person warned of the danger of infection. Even in case of his death, the city is not responsible for the negligence of its officers, as it was acting in a governmental capacity. (Nicholson *v.* city of Detroit, 129 Mich. Rep. 246.)

MINNESOTA.

City liable for damages if typhoid fever is contracted through drinking infected water furnished by the city.—The complaint in this case set forth not a mere action against the defendant to recover damages because the city failed to provide an adequate supply of pure water. The question here was whether the city was liable for, among other things, recklessly causing dangerous substances like common sewage and other filth to saturate its water supply and the wells, mains and appurtenances thereto.

The first essential question was whether the city was exempt because it was carrying out a governmental function, or whether it was liable because it operated the waterworks in its private or corporate function. The defendant naturally insisted that it was performing merely a governmental function. But the court holds that it was liable for its negligence in its private or corporate capacity, and was not exempt as carrying out a governmental function.

The defendant also insisted that the city could make no profit out of its operation of these waterworks. Doubtless this was in a general way true; at all events it might be here admitted. But the sequence which the defendant sought to draw did not at all follow: i. e. that therefore it should be exempted from all liability for mismanagement. For the city is liable for neglect in connection with its streets, sidewalks, and sewers, from which in their very nature no profit is or can be made. The city operates the waterworks for profit in the sense that it is voluntarily engaged in the same business which when conducted by private persons is operated for profit. The city itself makes a reasonable and varying charge. The undertaking is partly commercial. It is enough that the city is in a profit-making business.

Then the defendant insisted that it would not be sound policy to open the door and permit actions like the present to be maintained for the reason that as a result the defendant city as well as any other city would be liable at any time to have the same misfortune and would be bankrupted thereby. But the court must regard the defendant's figures as purely hypothetical. The question is one of general principles recognized by the law and not of the private views of court or counsel as to what the convenience or necessity of a particular

city may dictate under particular circumstances. The general experience of public and private waterworks is that ordinarily their operation involves no such financial disaster as the defendant portrayed. It is obvious that a sound public policy holds a city to a high degree of faithfulness in providing an adequate supply of pure water. Nor does it appear why the citizens should be deprived of the stimulating effects of the fear of liability on the energy and care of its officials; nor why a city should be exempt from liability while a private corporation under the same circumstances should be held responsible for its conduct and made to contribute to the innocent persons it may have damaged.

The cases in which a city has been held responsible or irresponsible for damages by fire consequent on an inadequate supply of water are in a class of cases by themselves. From many points of view the rule holding the city liable for its negligence is not inconsistent with the rule there announced. The law does not undertake to achieve the impossible.

The defendant also urged that in no case has the city been held liable for negligence in the operation of its waterworks unless the act involved a trespass, or an invasion of a direct property right. Thus water escaping from a city reservoir runs onto another's property and does damage; this is trespass and there is liability. But if the escaping water should do damage to a person on a public highway there would be no trespass, but the law would recognize liability. Liability of the city is recognized in the case of streets and sidewalks which cannot properly involve trespass. Nor did the defendant show any reason for imposing liability in the case of trespass or the breach of insurance of safety which does not logically apply to cases of negligence. On general principles liability for negligence is more just and more generally recognized because it is based on culpability.

Lastly, the court holds that, on the assumption that the plaintiff's intestate could have maintained an action against the city had he lived, his administrator, or administratrix, could maintain an action under the Minnesota statutes. (Delia Keever *v.* city of Mankato, 113 Minn. Rep. 55.)

NEW HAMPSHIRE.

Hospital liable for negligence in failing to warn nurse of patient having communicable disease.—The evidence tended to show that one of the patients whom the plaintiff nursed had a form of diphtheria, that a culture taken from this patient and examined by a bacteriologist contained diphtheria bacilli, and that the physician in charge of the patient, who was also the manager of the hospital, was duly informed of the result of the examination. If the jury found these facts to be true, they were warranted in the conclusion that the hospital had notice of the contagious character of the patient's disease, and that it was its duty, acting as ordinarily prudent men would have acted under the same circumstances, to disclose the danger to the nurse, who was ignorant of its existence. The court cannot say that a reasonable doubt in the mind of the physician, in her diagnosis of the patient's disease, as to its true character, would justify her, who, as the representative of the hospital, was bound to exercise reasonable care for the plaintiff's safety, in omitting to inform her that the disease might be of a diphtheritic character. The hospital might be bound to warn her before the physician had reached a satisfactory diagnosis. (Hewett *v.* Woman's Hospital Aid Assn., 64 Atl. Rep. 190.)

NEW YORK.

Liability, landlords.—Landlords leasing dwellings known to be infected are liable in damages to tenant, if disease is contracted by the latter or their family. (Snyder *v.* Gorden, 46 Hun. 538; Cesar *v.* Karutz, 60 N. Y. Rep. 229.)

Liability, physicians.—The liability of a physician to a man who took the smallpox, when sent by the physician to whitewash a house in which a person had died of smallpox, as both knew, depends on the physician's negligence, and the man's contributory negligence, which are both questions for the jury, where the physician told the man that there was no danger because the house had been thoroughly disinfected. (Spa. *v.* Ely, 8 Hun, 256.)

TEXAS.

Railroad company liable for communication of smallpox by agent.—The company, under the common law, owed to the individuals composing the public who dealt with it the duty to keep them from having contagious diseases communicated to them by its agent while they were dealing with it through such agent.

The testimony of a physician to the effect that, according to his best recollection, he had seen and examined the agent, and that he then had smallpox, and that he so told him, the court holds was sufficient to support a finding of the jury that the agent had smallpox and knew it when the plaintiff bought tickets of him for himself and wife. It also holds that the testimony was sufficient to support the finding of the jury that the plaintiff contracted the smallpox from the company's agent, when, in so far as the evidence showed, such agent was the only person to whom the plaintiff was exposed who had the disease, and the evidence showed that the plaintiff contracted it within the usual time after such exposure.

The company's contention that knowledge on the part of its ticket agent that he had smallpox at the time he sold the tickets to the plaintiff would not constitute knowledge on its part of such fact, the court does not think sound. In its opinion, the agent at the time the plaintiff was exposed to him, being the ticket agent of the company and in the discharge of the duties incumbent on him as such agent, and the plaintiff being present for the purpose of transacting business with him in the line of his duties to the company, and the agent at the time having the contagious disease of smallpox, and knowing that he had it, his knowledge became that of his principal, the railroad company.

* * * the act of the company's agent in communicating to the plaintiff smallpox was the proximate cause of the plaintiff's wife contracting the disease, and his being quarantined on account of his wife's having smallpox. The company, through its agent, knew from the attending circumstances that the tickets sold were for the plaintiff and his wife, and of that relationship between them, and that, in their companionship and association with each other during the trip on the cars and while visiting in Alabama, they would not only be in close proximity with each other, but frequently in personal contact with each other, so that if the husband contracted the disease of smallpox from the agent of the company, it was natural and probable that he would communicate it to his wife; and such a result was one that might reasonably have been anticipated by the company through its agent.

Therefore, the company, having notice through its agent, at and prior to the time the plaintiff was exposed to him, that he had the smallpox, and said agent having communicated said disease to the plaintiff and his wife, the court holds

that the company was liable to the plaintiff for the damages sustained by him as the direct and proximate results of such wrongful act of its agent. Nor does it think the losses sustained by the plaintiff in his business on account of patrons being kept away through fear of contracting the disease were too remote to be recovered. (Mo., Kan. & Tex. Ry. Co. *v.* Raney, 99 S. W. Rep. 589.)

Infection with gonorrhoea not an indictable offense.—Under statutory provisions[1] prescribing a penalty for wilfully and knowingly importing into the State or into any county any infectious disease or for inoculating for infectious diseases after they may have been introduced, except as provided by law, an indictment that the defendant, having an infectious disease known as gonorrhoea, did wilfully, knowingly, and unlawfully inoculate a certain person by means of sexual intercourse, charges no offense. (Austin *v.* State, 56 So. Rep. 345.)

Liability of employer for communication of disease.—That a railway company would be liable for the spread of a contagious disease through the negligence of its servants acting within the scope of their authority, whereby another was injured as the proximate result of such negligence, was not at all questioned.

A careful examination of the testimony failed to show actionable negligence in respect to placing or allowing the infected child to remain in one of the company's section houses until its death, and therefore the railway company could not be required to respond in damages for the injuries sustained by the plaintiff on account of the house becoming infected with smallpox by the presence of the afflicted child, or because the disease may have been communicated to the plaintiff by actual contact with the child. Clearly, the child's father was not acting within the scope of his authority so as to bind the company up to the time of placing his child in the section house, and, in permitting the child to remain therein the short time which elapsed from the time he discovered the child was probably afflicted with smallpox and the time of its death, he could not fairly be charged with a failure to do what an ordinary prudent person would have done under the circumstances of the situation. (Mellody *v.* Mo., Kan. & Tex. Ry. Co., 124 S. W. Rep. 702.)

Transmission of malaria.—Of the five doctors who testified as to the cause of malarial fever, four stated that it came only through the bite of the mosquito, known as "anopheles," and the other testified that was the theory, but that he did not know whether mosquito bites were the sole cause of malaria or not; so that even this matter was one of contested fact to be determined by a jury, although to laymen who have read of the tests and most capable demonstrations made by several governments, as well as by some of the most scientific men of the world, it seemed, if there was one proposition in all the field of medical discovery that was so firmly established that enlightened doctors could not disagree about it, the theory that malarial fever could not be imparted save through the medium of one species of mosquito and yellow fever through that of another was that proposition. Still, at least so far as this case is concerned, the mosquito theory was contested, as there was testimony to the effect that "stagnant water is calculated to produce malaria. They get malaria from the water, whether mosquitoes carry it or not." If the young woman had an attack of malaria, and that with other complications caused her death, as was testified by one of the physicians, the jury was justified in finding that the malaria was caused by stagnant pools of filthy water permitted by appellant to stand on the premises and even run out into the street. The same physician also testified: "The fly is called the great typhoid messenger. Flies can communicate always anything that is carriable; that is transportable on their

[1] See p. 616.

bodies. Neither flies nor mosquitoes either would communicate the disease of asthma." The jury could have inferred from that testimony that malaria was transportable by flies. The proof showed that there were great swarms of flies about appellant's establishment, and that they went from there in vast hordes to the adjacent residences. But if the mosquito theory has been thoroughly demonstrated, as a large preponderance of the evidence showed and as seems to be the concensus of opinion of the scientific medical world, still there was evidence that tended to show that the filth and stench arising from the decaying poisonous matter that was allowed to remain on the premises of appellant weakened and undermined the health of appellee's daughter to such an extent that, when she had malaria communicated by mosquitoes, she was unable to resist it and rapidly succumbed to its inroads and died.

(On motion for rehearing.)

* * * It is true that vast swarms of flies were bred about the hideyard and invaded the surrounding houses, and that one physician testified that "flies can communicate always anything that is carriable, etc.," but it cannot be inferred from that testimony that malaria, which is communicated through the veins and arteries, could be carried on the body of a fly, and communicated, as is typhoid fever, and intestinal fever, by being deposited in food or drink and by that means carried into the stomach and intestines. The medical theory of modern times is that a certain species of mosquito filled with malarial fever germs pricks the skin of a human being, inoculates the blood with the germs, and in due course of time the fever may appear * * *. The evidence in this case tended to show that no mosquitoes were bred in or about the hideyard, and necessarily the mosquitoes that produced malarial fever in appellee's farm must have come from some other breeding ground * * *. We have given the facts a careful investigation, and we are unable to discover sufficient testimony to justify a jury in finding that the smell and noxious vapors arising from the premises had so undermined and weakened the body of appellee's daughter that she was unable to successfully combat the malarial fever which arose from an independent cause, and therefore died. (A. Cohen & Co. *v.* Rittmann, 139 S. W. Rep. 59.)

POWERS AND LIABILITIES OF AUTHORITIES.

UNITED STATES.

Limits of the police power of the States.—The extent and limits of what is known as the police power have been a fruitful subject of discussion in the appellate courts of nearly every State in the Union. It is universally conceded to include everything essential to the public safety, health, and morals, and to justify the destruction or abatement, by summary proceedings, of whatever may be regarded as a public nuisance. Under this power, it has been held that the State may order * * * the slaughter of diseased cattle, the destruction of decayed or unwholesome food * * * the regulation of railways and other means of public conveyance, and of interments in burial grounds; the restriction of objectionable trades to certain localities; the compulsory vaccination of children; the confinement of the insane or those afflicted with contagious diseases * * * Beyond this, however, the State may interfere wherever the public interests demand it, and in this particular a large discretion is necessarily vested in the legislature to determine, not only what the interests of the public require, but what measures are necessary for the protec-

tion of such interests. To justify the State in thus interposing its authority in behalf of the public, it must appear, first, that the interests of the public, generally, as distinguished from those of a particular class, require such interference; and second, that the means are reasonably necessary for the accomplishment of the purpose, and not unduly oppressive upon individuals. The legislature may not, under the guise of protecting the public interests, arbitrarily interfere with private business, or impose unusual and unnecessary restrictions upon lawful occupations. In other words, its determination as to what is a proper exercise of its police power is not final or conclusive, but is subject to the supervision of the courts. (Lawton *v.* Steele, 152 U. S. Rep. 133.)

Liability of municipalities.—A municipal corporation is not civilly liable for the nonfeasance, or malfeasance, or misfeasance of its officers or agents while engaged in the discharge of the public governmental duties of the corporation. (See Sherburne *v.* Yuba County, 21 Cal. 113; Stewart *v.* New Orleans, 9 La. Ann. 461; Dargan *v.* Mobile, 31 Ala. 469; Reardon *v.* St. Louis, 30 Mo. 555; Bailey *v.* New York, 3 Hill 538; Martin *v.* Mayor of Brooklyn, 1 Hill 550; Western College *v.* Cleveland, 12 Q. St. 375; City of Richmond *v.* Long's admr., 17 Grat. 375.)

FLORIDA.

Responsibility of health officers.—Health officers are not liable for damages caused in the performance of their duty respecting the enforcement of quarantine. (Forbes *v.* Escambia County Board of health, 28 Fla. Rep. 26.)

INDIANA.

Power of health authorities.—The discovery of a contagious disease like smallpox in a thickly settled community, whether one or more cases, creates an immediate necessity for action on the part of those charged with the duty of preventing its spread, and creates a liability on the part of a town to pay any necessary expense incurred by its health board, or in the absence of an order of its health board, the expense incurred by its "health officer," under such an emergency. (Town of Knightstown *v.* Homer, 75 N. E. Rep. 13.)

KENTUCKY.

Boards of health cannot delegate their powers.—Under statutory provisions,[1] a board of health must act as a board on each epidemic and cannot delegate their duties to a health officer. The powers given to these boards are extraordinary, seemingly justified by the most serious exigency affecting the public health. The legislature was evidently unwilling to leave to one person the determination of such important and drastic measures as are given to the boards. On the judgment and fidelity of a greater number acting together is the greatest security against abuse of extraordinary powers. (Taylor *v.* Adair County, 84 S. W. Rep. 299.)

LOUISIANA.

Liability of health authorities.—A State board of health being an agency of the State is not liable for damages sustained by a ship which is lawfully prevented by the board's order from landing its goods or passengers in a locality infected by an infectious or contagious disease.

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[1] See p. 386.

Neither are members of the board liable for damages resulting from a resolution of the board that no person should be allowed to enter any infected locality previously placed in quarantine, though the order was intended especially to prevent a certain ship from landing its passengers. (Comp. Franc. de Nav. a Vapeur, *v.* State board of health, 25 So. Rep. 591; affirmed 186 U. S. 380.)

Health expenditures, how determined.—Legal provisions making all necessary expenses and charges for local sanitation a public charge and authorizing local boards of health to bring writ of mandamus to secure proper action by the city, do not confer on the boards unrestricted power to determine by themselves how much money it should expend in any one year, the amount of such appropriation being according to the law to be determined by the mayor and council. (State *v.* New Orleans, 27 So. Rep., 572.)

MICHIGAN.

Power of municipal authorities to prevent the spread of disease.—The obligation and the power of a city council to act as a board of health and prevent the spread of contagion is not lessened by their omission to create a separate board of health. Their power is a police power and commensurate with their duty. (Rae *v.* Mayor and Ald. of city of Flint, 16 N. W. Rep. 887.)

NEBRASKA.

City officers liable for damages.—City officers enforcing an ordinance to prevent the spread of contagious diseases act at their peril and are liable for damages caused if the ordinance is void. A city is not liable for damages sustained by the enforcement of a void ordinance. (Village of Verdon *v.* Bowman, 97 N. W. Rep. 229.)

NEW JERSEY.

Boards of health must be provided with funds.—The requirement that there shall be a board of health in every township and an examination of the law indicate that their duties can not be discharged without the expenditure of money. It is therefore the duty of a town meeting to raise funds to meet such expenditure. (Allen *v.* Township of Bernards, 28 Vr., 303.)

NEW YORK.

Board of health not limited to care for those afflicted.—It is the undoubted duty of a board of health created for the express purpose of preserving the public health to take immediate steps in case of an epidemic not only to furnish care and treatment to the afflicted, but to protect residents of the town, and to this end they may incur any reasonable expense. (People *v.* Eno, 82 N. Y. S. 520.)

OHIO.

Interest of the State in local sanitation.—The health of the inhabitants of the city is still a matter of concern to the State, and of such vital concern that the general assembly has not thought proper to commit it exclusively to the control and discretion of men who may not have any particular ability or experience in sanitary affairs. The loss of a single life is a direct economic loss to the State, and, therefore, it wisely refrains from committing to inexperienced people final discretion as to the means and methods of preserving the life

and health of its citizens, but aside from the concern of the State for the health and comfort of the residents of any one city, its vigilance seeks to serve a larger purpose. Cities are no longer enclosed by stone walls and separate and apart from the balance of the State The sanitary condition existing in any one city of the State is of vast importance to all the people of the State, for if one city is permitted to maintain sanitary conditions that will breed contagious and infectious diseases, its business and social relation with all other parts of the State will necessarily expose other citizens to the same diseases. (State board of health *v.* city of Greenville, 86 O. Rep. 1.)

WISCONSIN.

Liability of municipalities.—In carrying out the laws for the preservation of the public health the city is performing a duty which it owes to the whole public as distinguished from a mere corporate duty. It is a duty which it is bound to see performed in pursuance of law as one of the governmental agencies, but not a duty from which it derives special benefits or peculiar advantages in its corporate or private capacity. It is like the administration of the fire and police departments. It is well settled that a city may indemnify its officers against liabilities incurred in the discharge of their duties where the city had a right to defend, or had a pecuniary or corporate interest in the discharge of such duty, but not where the officer was acting simply as an official performing a public service, such as the preservation of the public health. If the city cannot legally agree to indemnify such officer, it plainly cannot be liable without agreement. If the common council was guilty of an actionable tort in maliciously encouraging the prosecution of the plaintiff, its members must answer therefor in their individual capacity; there would be no corporate liability. (Kempster *v.* city of Milwaukee, 79 N. W. Rep. 411.)

Unlimited power to investigate and report given to health officers; but power to suppress disease vested in boards of health.—The power to investigate and report is given to the health officer without limitation, but the power to take measures for the prevention, suppression, and control of the disease is vested in the board and cannot be exercised by the health officer without the approval of the board. Whether this legislation is wise or otherwise, and whether more extensive powers should be given to health officers are not questions for the courts. The Legislature, doubtless, in limiting the powers of the health officer and making them subject to the approval of the board, clearly intended that such matters involving the exercise of judgment and discretion should be vested in the board, and not in the health officer, and that the acts of the health officer in such matters should not be binding without the approval of the board. This seems to be the plain and obvious intention of the Legislature and cannot be disregarded. (Collier *v.* Town of Scott, 102 N. W. Rep. 909.)

INSECTS.[1]

MINNESOTA.

Ordinances require screening of food products valid.—If the legislative authorities have the power to regulate the sale of cottolene, baking powder, farm and dairy products, to control butchers, the business of pharmacy, to enforce vaccination of school children, to regulate the smoke nuisance, and compel street car companies to sprinkle their tracks for the protection of the public health, then no question should arise as to the legislative power to protect

[1] For validity of regulations in regard to manure see *Kineen* v. *Bd. of Health of Lexington,* Mass., 102 N. E. R., 352.

fruits and candies from being exposed where they will accumulate the germ-laden dust of the streets or permit contact with flies.

The fact that the enforcement of the ordinance may require some radical change in the method of conducting a business does not necessarily furnish a defence to its enforcement. A privilege long countenanced does not always amount to a personal right. It is a very convenient and perhaps very effective method of advertising fruit to display it in front of a store or on the street, in the view of the passer-by; but, if by the accumulation of dirt and germs, the health of the consumer is menaced, then certainly the police power may be invoked to take reasonable steps to abate this source of breeding disease, and if necessary, may entirely deprive the vendor of fruit of the privilege of exposing it in the open air. The ordinance is a movement in the right direction. It speaks for health and cleanliness, and every right-thinking person ought to be in sympathy with a movement of this kind.

Properly construed, the ordinance is not designed to be burdensome, and it ought to be possible to provide some method of adequate protection without depriving the exhibitors of the right to display their goods in the open. * * * The ordinance is bitterly criticized because its provisions include all fruits, such as oranges and bananas, which it is claimed require no protection. While, no doubt, a distinction may be drawn between such fruits and others, such as berries, it is not for the courts to say that even oranges and bananas should not be protected against the accumulation of dust and the approach of flies. Surely even those fruits are much more wholesome and less dangerous in scattering germs when kept free from flies and dust. (Ex parte Bacigalupo, 132 N. W. Rep. 303.)

MASSACHUSETTS.

Abatement of nuisance caused by stagnant water.—(See Grace *v.* Newton Bd. of Health, 135 Mass. 490; Driscoll *v.* Taunton, 160 Mass. 486; Salem *v.* Eastern R. R. Co., 98 Mass. 445.)

NEW HAMPSHIRE.

Regulation requiring wrapping of bread valid.—Under this statute the State board of health adopted certain rules and regulations designed to carry out the purpose of the statute, among which is the following: "Whereas bread is an article eaten without being subjected to any preparation, and commonly undergoes frequent and objectionable handling and exposure in connection with its distribution, sale, and delivery from bakeries, stores, and wagons, it is ordered that all bread loaves, before removal from the baking room, shall be wrapped in clean, unused paper, unprinted or printed on one side only. The use of newspapers or of any unclean paper for the wrapping of any article of food is prohibited." The defendants, although requested to do so, refused to comply with this order of the board of health, and being prosecuted under the statute were found guilty. No exception was taken to the form of the complaint, and its sufficiency in this respect must be assumed. Nor is the defendant's exception to the finding that the rule regarding the wrapping of bread is a practical, necessary, and reasonable one, on the ground that it is not supported by the evidence, entitled to much consideration. Much evidence was presented upon the question of the reasonableness of the rule in its application to the bakery businss, and the finding or ruling of the court upon that issue seems to be amply justified. The mere fact that the wrapping of the loaves of bread in paper before they are offered for sale is attended with some expense does not prove that the rule is unreasonable. (Health Department *v.* Rector,

145 N. Y., 32, 40, 41.) Evidently the expense is very small in view of the object which the rule was intended to subserve. It is not apparent how that object could be attained at less expense. The wrapping of bread in paper when exposed for sale would seem to be the most feasible way of protecting it from the contamination caused by handling and by the presence of dust and flies, and perhaps other noxious insects. If the board had the legal authority to make regulations in respect to this subject, the rule in question does not appear to be unreasonable.

But the defendants insist that as the legislature can not delegate to individuals the power to legislate (State *v.* Hayes, 61 N. H., 264), it could not for that reason authorize the board of health to decide that such a rule was desirable and to impose its observance upon the people of the State. It is claimed that such procedure is an attempt to delegate legislative power. If that position is sound, the rule is invalid and the defendants were illegally convicted. If the legislature had incorporated in the statute the substance of the rule requiring bakers to wrap their bread in paper before offering it for sale, the statute would have been a constitutional exercise of the police power for the protection of the public health. Unless it is clear that a statute purporting to have been enacted for the protection of the public health and public morals has no relation to those objects, it can not be set aside as unconstitutional and void. (State *v.* Roberts, 74 N. H., 476.) It is said in that case (p. 479) that the power of the legislature "to regulate, restrain, and prohibit whatever is injurious to the public health and morals is universally recognized, and nowhere more distinctly than in this State." If upon a reasonable construction of the act there appears to be some substantial reason why the observance of its provisions will promote the public health, it will be sustained as a valid exercise of the police power. (State *v.* Ramseyer, 73 N. H., 31, 36.) "The constitutional authority of the legislature in the exercise of the police power of the State to enact such regulations as are deemed reasonably necessary for the security and protection of the lives and health of all persons within the State is unquestioned." (State *v.* Forcier, 65 N. H., 42.) For other illustrations of the recognized extent of the police power see State *v.* White (64 N. H., 48); State *v.* Campbell (64 N. H., 402); State *v.* Marshall (64 N. H., 549); State *v.* Pennoyer (65 N. H., 113); State *v.* Griffin (69 N. H., 1).

One of the evident purposes of the legislature as disclosed by the act in question was to secure greater cleanliness in food when exposed for sale and to protect the public health, so far as practicable, from the danger incident to the unclean and insanitary conditions to which food is often exposed; and to be more specific it is declared in section 2 that such conditions "shall be deemed to exist * * * if food in the process of production, storage, sale, or distribution is unnecessarily exposed to flies, dust, or dirt." In view of the well-recognized medical facts that the germs of disease are distributed by flies when they come in contact with food designed for human consumption, like loaves of bread, and that typhoid fevers are often traced to that cause, it is clear that the statute has direct reference to the public health. Such a condition or practice is a constant danger to the health of the community, and the statute was enacted to protect the people from that danger and if enforced it would manifestly have that effect. Hence, it is within the police power of the legislature and is a constitutional enactment so far as its purpose is concerned. (Watertown *v.* Mayo, 109 Mass., 315, 319; State *v.* Cate, 58 N. H., 240.)

As it is clear that if the statute had contained the rule in question it would have been a valid provision, it remains to consider whether the fact that it was made by the board of health under a delegated power from the legislature renders it invalid as a rule. The statute is complete in itself. It in effect de-

clares that bread unnecessarily exposed to flies and dirt is a public menace and provides a penalty for the infringement of any of the provisions of the act. But to secure an efficient enforcement of the act and to accomplish the legislative purpose the State board of health is charged with the enforcement of the law, and for that purpose it is authorized "to make all necessary rules and regulations." This provision was not intended to authorize the board to legislate or to add to, change, or modify the statute. It was not intended as a delegation of legislative power. The "rules and regulations" were to be such as might be deemed necessary "for the enforcement of this act." In order to prevent flies from congregating on the loaves of bread in bakers' shops and in their carts, one of the objects the legislature had in mind, some general rule, if a feasible one could be devised, was necessary for the practical enforcement of the act. And when the board of health made the rule requiring loaves of bread to be wrapped in paper they were not legislating, but merely exercising a power conferred upon them by the State as administrative officers.

It was their duty to enforce the law and the rule they promulgated in the exercise of their power was a means they adopted for the accomplishment of that purpose. They merely devised a reasonable and effective method by which the legislative purpose could be carried out.

The delegation of such power is not unusual. The State board of cattle commissioners is authorized to make such "regulations as the board deems necessary to exclude or arrest" diseases in cattle. (P. S., c. 113, s. 5.) Each board of medical examiners "may make any by-laws and rules, not inconsistent with law, necessary in performing its duties." (Laws 1897, c. 63, s. 3.) The inspector of steamboats may make rules and regulations. (P. S., c. 119, s. 3; Laws 1899, c. 82, s. 1.) Similar power is given to the commissioners of pilotage. (P. S., c. 120, s. 2.) And numerous other instances might be cited of power given to public administrative officers to make rules for the enforcement of specific laws.

"Congress can not delegate its power to make law; but it can make a law to delegate a power to an administrative officer to determine a fact or condition of affairs in regard to which the law makes its own action depend." (Dastervignes *v.* United States, 122 Fed. Rep., 30, 34; S. C., 58 C. C. A., 346.) In Butterfield *v.* Stranahan (192 U. S., 470), it was held that where a statute acts on a subject as far as practicable and only leaves to executive officials the duty of bringing about the result pointed out and provided for, it is not unconstitutional as vesting executive officers with legislative powers, and that an act of Congress to prevent the importation of impure and unwholesome tea is not unconstitutional because the power conferred to established standards is legislative and not delegable to administrative officers. These principles have been applied in a great number of cases among which are the following: (Arms *v.* Ayer, 192 Ill., 601; United States *v.* Bailey, 9 Pet., 238; Field *v.* Clark, 143 U. S., 649; Commonwealth *v.* Plaisted, 148 Mass., 375; Brodbine *v.* Revere, 182 Mass., 598; Hurst *v.* Warner, 102 Mich., 238; State *v.* Thompson, 160 Mo, 333; Health Department *v.* Rector, 145 N. Y., 32.)

It may be admitted that where the statute is incomplete as legislation and authorizes an executive board to decide what shall and what shall not be deemed an infringement of the law (State *v.* Burdge, 95 Wis., 390; Schaezlein *v.* Cabaniss, 135 Cal., 466), or where its authorization is general and the board makes a rule which conflicts with other statutory or constitutional rights (Potts *v.* Breen, 167 Ill., 67; Commonwealth *v.* Drew, 208 Mass., 493) the action of the board can not be sustained; but in the present case the statute, as we have before noted, makes the practice of bakers unnecessarily exposing their bread

to flies, dust, and dirt a nuisance, and merely authorizes the board of health to adopt and enforce such regulations as will result in the abatement of the nuisance. No discretion is vested in the board to determine whether such exposure of bread is or is not a nuisance or what the penalty shall be for such exposure. The board is merely authorized to abate the nuisance declared to exist by the lawmaking power, and for this purpose, that is, the enforcement of the law, to make reasonable rules and regulations, for the violation of which, resulting in the continuance of the nuisance, a penalty is imposed. Nor is the rule in conflict with any existing statute.

If the defendants had prevented the nuisance by adopting some other precaution than that of wrapping their bread in paper, it may be they would not have been subject to prosecution for not complying with the rule; but they did not attempt to abate the nuisance in any effective way, but persisted in maintaining a condition of things about their shop and carts which the legislature had prohibited. They were violators of the statute and became amenable to the penalty prescribed. (Morford *v.* Board of Health, 61 N. J. L., 386, 391; Freund, Pol. Power, s. 34.) (State *v.* Normand, ———, 1913.)

WISCONSIN.

Drainage of lands for the prevention of malaria.—There can be no question as to the power of the State to "compel the filling or clearing and drainage of lands which might otherwise create malaria or other diseases." (Rude *v.* Town of St. Marie, 99 N. W. Rep. 460.)

EXCRETA.

FLORIDA.

Order making unlawful to maintain open water closets or privies valid.—The denunciation by statute of certain uses of the contents of cesspools does not inhibit municipalities from adopting cesspools as a part of its system of sanitation. The court does not know judicially that a municipal ordinance providing for cesspools is oppressive and unreasonable. Inferential and consequential damage to private property arising out of health laws does not violate the federal constitution. The provisions in the State constitution conferring supervision of matters of public health on the State board of health has no application when the board declines to interfere with municipal ordinances. (Logan *v.* Childs, 41 So. Rep. 197.)[1]

MASSACHUSETTS.

Law requiring installation of water closets valid.—An act requiring every building used as a dwelling, or in which persons are employed, if situated on a street in which there is a public sewer, to "have sufficient water closets connected with the sewer" is within the constitutional powers of the legislature as a police power, being an act for the preservation of the public health and relating to the disposal of one of the most dangerous forms of sewage. It applies also to houses built before its passage. The word "watercloset" means an arrangement having a permanent water supply which can be used systematically and regularly for carrying away whatever is deposited in it to the sewer and not any other similar arrangement having no water supply for flushing purposes, except as depends on chance. (Commonwealth *v.* Roberts, 29 N. E. Rep. 522.)

[1] For power to regulate but not to forbid use of earth closets see *Malone* v. *City of Quincy*, 62 So. Rep., 922.

NEW JERSEY.

The power to designate a place for the deposit of night soil, although not given to health boards in express terms, is necessarily incident to the general jurisdiction of such bodies over cesspools and the removal of their contents. (Courter *v.* Newark, 25 Vr., 325.)

NEW YORK.

Regulation prohibiting privies valid.—A regulation of a city board of health prohibiting the maintenance of a privy vault within 25 feet of any door or window of any residence is reasonable. (Cartwright *v.* Bd. Health of city of Cohoes, 56 N. Y. S. 731; affirmed 59 N. E. Rep. 1120.)

RHODE ISLAND.

Law authorizing abolishment of privies valid.—Statutory provisions authorizing a city to direct the destruction of privy vaults within 10 days, and on owners' failing to do so authorizing a fine for each day of non-compliance, and after a period of 60 days empowering the city authorities to destroy the vaults provide reasonable methods for the abatement of a nuisance and are constitutional. The law is valid though vaults are nowhere declared nuisances, especially in view of the specific statement therein that the act was made "in the interest of the public health." (Harrington *v.* Bd. Aldermen city of Providence, 38 Atl. 1.)

MILK.

DISTRICT OF COLUMBIA.

Bacterial contents to be considered in determining purity of milk.—The facts established by the evidence are that "on February 27, 1911, a pint bottle of milk was purchased from one of the defendant's wagons, and taken to the laboratory of the bacteriological bureau of the health department, where it was analyzed, and found to contain 4,500,000 bacteria on ordinary agar, 37° C., grown for 24 hours, and 89,400,000 bacteria per cubic centimeter. On ordinary agar, 25° C., grown 48 hours, it contained 83,000 bacteria per cubic centimeter of the colon group. It showed gas fermentation in one ten-thousandth of a cubic centimeter, approximately 15 drops, and one streptococcus to one ten-thousandth of a cubic centimeter."

It appears that the bacterium known as *B. coli* or colon bacillus originates in and is a normal constituent of the colon of all warm-blooded animals, is discharged in the excreta and found in milk as the result of fecal contamination. When present in milk it always occurs from either direct or indirect fecal deposit therein; directly from carelessness in permitting particles of feces to get into the milk during the process of extracting the milk from the cow, or in handling it afterwards; indirectly, from dust, vegetation, water, and air, where the bacillus is found—originally derived, however, from animal feces. The evidence discloses the state of the science to be that colon bacillus is a vegetable formation originating in animal intestines, and nowhere else. It is not found in air, dust, water, or vegetation under conditions indicating different origin, or its original derivation from the substances with which it is thus associated. Under favorable conditions, colon bacillus will multiply and develop in milk with great rapidity. The present analysis, in the light of the

evidence, reveals the presence of colon bacillus to have resulted from a direct deposit of feces in the milk, due to uncleanly methods in handling the milk.

It appears that the streptococcus is associated frequently with the colon bacillus in the colon of warm-blooded animals, and is discharged in the excreta. It is also found in diseased processes of animals—in boils on human beings, or in abscesses in animals, and in diseased tissues and intestines. While milk may be perfectly sterile in the udder of a healthy cow, streptococci may be found in milk taken from a diseased udder. It, however, may be regarded as strongly conclusive that where colon bacilli and streptococci are found together in large numbers, and under the circumstances here shown they originate directly from fecal matter. They are not found in milk as it flows from a healthy animal. Their presence in milk originally pure indicates contamination from an outside source—as to colon bacillus, always fecal contamination; and usually the same as to streptococcus. Streptococcus may also come from a diseased condition of the cow or from persons handling the milk, but its presence was not so accounted for in this case.

It also appears that the growth of bacteria invariably results in the chemical and natural decomposition of the substance in which they grow. Milk is an animal substance, and bacteria are a vegetable formation in the milk. The bacteria develop and die in rapid succession, causing natural decomposition. Colon bacilli and streptococci destroy the sugar in milk, which is broken up into various acids and gases, thus causing chemical decomposition. For example, sour milk is described as decomposed milk, and may be caused by the action of bacteria. The decomposition of milk sugar into lactic acid is a chemical process that causes milk to sour.

This case was not prosecuted upon the assumption that bacteria, as living vegetable organisms, are in themselves either filthy, decomposed, or putrid; but upon the theory, as fully sustained by the evidence, that the bacteria constantly develop and die, causing filthy vegetable decomposition; that the colon bacilli and streptococci found in the milk established the presence of fecal matter; that streptococci especially are a menace to health; that whether the streptococci came into the milk through fecal deposit or from a diseased condition of the cow or of those handling the milk, the vice is the same; and that these two groups of bacteria especially cause decomposition of the milk.

The pure food and drugs act is a police regulation enacted to conserve the public health. It will be construed liberally to meet the evils intended to be embraced within its provisions. (United States *v.* Corbett, 215 U. S., 233; District of Columbia *v.* Gardiner, 41 Wash. Law Rep., 34, present term; Galt *v.* United States, 41 Wash. Law Rep., 66, present term.) We are not unmindful of the rule that police regulations to be valid must be reasonable, necessary, and not unduly oppressive. The lawmaking power, in their enactment, takes into consideration the public sentiment of the community as a measure of the degree of regulation to which private property shall be subjected for the public good, and nowhere do the courts so completely reflect the state of public opinion as in deciding cases involving the exercise of the police power. Measures looking to the public welfare are no longer tested by the strict letter of the Constitution. Doubtless many modern expressions of the legislative will, in the exercise of its police power, would have been held unconstitutional if enacted at an earlier period. But public opinion, keeping pace with an advancing civilization, is the progressive factor which calls for an enlarged invasion of private rights for the public good, and which prompts courts to give greater elasticity to constitutional limitations. In flexibility of construction lies the possibility of progress and the vitality of the Constitution. Therefore, some of the techni-

cal distinctions sought to be applied by counsel for plaintiff in error in construing the act before us may be disposed of by the suggestion that food offered for sale in a filthy, decomposed, or putrid condition, caused either from an inherent condition or an external substance; or "consisting of" or containing filthy, decomposed, or putrid matter; or containing a foreign substance, neither filthy, decomposed, nor putrid in itself, but which causes the food from contact with it to decompose or become filthy or putrid, will be held to come within the act. It is beyond dispute that the milk, when taken from the wagon of plaintiff in error in the condition in which it was being sold to his customers, was both filthy and decomposed.

It is urged that since it is impossible to produce milk entirely free from bacteria the statute imposes a duty impossible of performance, and can not, therefore, be applied to milk, or, if possible of performance, it could only be complied with at so great a cost as to result in the destruction and confiscation of the business. It is not clear from the evidence that the enforcement of the act will produce this result. The present case does not present this difficulty, except in theory, since the contamination was so great as to place it within the statute beyond the domain of speculation. Not only did the milk in question contain bacteria of the colon group, but, as incident thereto, fecal matter, all of which, it appears, may be eliminated by the adoption of cleanly methods in handling the milk. In fact, it appears that samples from the dairy of plaintiff in error have been analyzed which were free from bacteria of the colon group. One witness testified that he "has encountered milk, samples of raw milk and samples of pasteurized milk, free from bacteria of the colon group; has seen samples of defendant's that did not contain them, milk sold as raw milk and analyzed on that assumption."

We are not dealing with a regulation relating to milk alone, but with an act generally regulating the sale of food products. Milk is a food product; and, if found to be impure, it will be held to be "adulterated" within the provisions of the act. There is evidence that it is impossible to produce raw milk which does not contain bacteria; that a limited number of bacteria in milk are practically harmless, and also that certain kinds of bacteria are in fact harmless. It is unnecessary to decide whether, under such circumstances, milk would be held to come within the act, since in the present case adulteration is clearly established. The dividing line between pure and impure or adulterated food is in each instance a question of fact; but, because of the scientific distinctions involved, and the impossibility of producing raw milk entirely free from bacteria, it may be much more difficult of ascertainment in the case of milk than of other food products. Owing to the great difficulty which may be encountered in justly enforcing the law, in the absence of a fixed standard defining what is marketably pure and impure milk, in a case where the adulteration consists alone in the presence of comparatively small numbers of so-called harmless bacteria, it may well be that Congress should give attention to this subject, as has been done in many of the States, and establish a fixed standard for marketable milk, whereby milk found to contain a greater number of bacteria than that fixed by the act should come within the condemnation of the law. With the fact scientifically demonstrated that contaminated milk is a dominating factor in the propagation of tuberculosis, typhoid fever, scarlet fever, diphtheria, infantile diarrhea, and other diseases, the subject, in importance, is one of the first magnitude.

The judgment is affirmed with costs, and it is so ordered. (Dade *v.* United States of America, No. 2466, Court of Appeals, Feb. 25, 1913.)

FLORIDA.

Cities may regulate sale of milk.—The city of Jacksonville may regulate the sale of milk within its territorial limits and require a license tax therefor, and it may also authorize a board of health created by it to prescribe the forms to be used by applicants for licenses. If the board should add unreasonable and improper overinquisitorial questions to be answered, and the applicant should refuse for that reason to comply with the form, the question of the propriety of those questions might be raised by him. A board of health may be given power to withhold licenses to sell milk for proper cause based on the existence of defective sanitary conditions. (State ex rel. Niles *v.* Smith, Fla., 57 So. Rep., 426.)

MASSACHUSETTS.

In the absence of specific statutory provision, boards of health not empowered to forbid sale of milk in uncovered receptacles.—If the board should be certain that the smoking of cigarettes by boys affects their health injuriously it would have no power to make a regulation forbidding the smoking of them by boys under a certain age or the sale of them to such boys. It has no power to make general regulations as to conduct or practices injurious to health which, if indulged in by many persons, affect the health of the public. The statute above quoted gives the board jurisdiction to deal with "nuisances, sources of filth, and causes of sickness within its town." Plainly, the milk in question was not a nuisance or a source of filth. In determining the meaning of the words "causes of sickness" the doctrine of noscitur a sociis is to be applied. It is a little broader term than the two terms that precede it, but it is of the same general character. Primarily it refers to something local, and the board is directed "to destroy, remove, or prevent the same." In section 67 we have another indication of the meaning of these words in the requirement that the board shall order the owner or occupant of private premises to remove any "nuisance, source of filth, or cause of sickness found therein." So, under section 74, he may obtain a warrant directed to an officer or to a member of the board commanding him to destroy, remove, or prevent any "nuisance, source of filth, or cause of sickness," in reference to which they have made complaint to a magistrate. We are of opinion that, within the meaning of the language in these sections, milk kept in a vessel, as this was kept by the defendant, was not a "nuisance, source of filth, or cause of sickness," which gave the board of health jurisdiction to take any action or make any regulation under the Revised Laws, chapter 75, section 65.

The latter portion of this section gives the board jurisdiction to make "regulations relative to articles which are capable of containing or conveying infection or contagion, or of creating sickness, which are brought into or conveyed from its town, or into or from any vessel." This has reference to the bringing into the town or conveying away of articles capable of containing or conveying infection in such a way as to affect injuriously the public health or safety. The legislation is found in the Revised Statutes, chapter 21, section 6, in which the language is "when such articles shall be brought into or conveyed from their town, or into or from any vessel." In the General Statutes, chapter 26, section 5, the words "when such articles shall be" are omitted and the section reads in this part "brought into or conveyed from its town, or into or from any vessel." In Public Statutes, chapter 80, section 18, the langauge is the same. We are of opinion that this part of the section relates to articles of such a kind as to be dangerous in reference to their capability of containing or conveying infection or contagion, or of creating sickness, in connection with

their removal from one town to another. The case of Train *v.* Boston Disinfection Co. (144 Mass., 523), relative to the disinfection of rags, furnishes an illustration of what is meant by the statute. (Commonwealth *v.* Drew, 208 Mass., 493.)

MINNESOTA.

The city council, under its legislative authority to prescribe the terms and conditions on which milk, cream, and butter might be exposed for sale in the city, determined that the tuberculin test of cows was the most feasible and practicable method of insuring a pure milk supply. This involved a matter of legislative judgment and discretion, and was within the powers of the council.

To enforce the regulation the council had the power to impose such penalties as would render the regulation effective and serve the purpose intended. It provided, in addition to fine and imprisonment, a destruction of the condemned milk. The authorities sustain regulations of this character. (Nelson *v.* Minneapolis, 127 N. W. Rept., 445.)

MISSOURI.

Ordinance forbidding sale of adulterated milk valid.—Furthermore, the statutory phrase, "injurious to the health," is used only in connection with milk, "sold, offered, or exposed for sale containing foreign substance or preservatives of any kind." In such case the substance or preservative must be injurious to health in order to constitute the particular misdemeanor dealt with in that part of the statute. If that were all of the statute, it might well be argued that, as pure water is not injurious to health, the ordinance is broader than the statute, and therefore in conflict. But, as said, it does not stop there. It goes on and makes it a misdemeanor to sell or offer, etc., "adulterated" milk for domestic or potable use. The statute must be read with another, a prior one (R. S. 1909, art. 6595; Laws of 1907, p. 239), defining the adulteration of food. They are in pari materia.

Section 6595, supra, provides, inter alia, as follows:

"Food shall be deemed to be adulterated (1) if any substance or substances have been mixed with it so as to lower or depreciate or injuriously affect its strength, quality, or purity."

Keeping in mind the statutory definition of "adulterated," it may not be argued (as it was in effect at this bar) that the public policy of this State is to permit the sale of watered milk, so long as a scientific standard is observed. The boasted mind of man that encompasses the great may be allowed to encompass the small; and it is but a small grain of sand on the shores of common knowledge that water lowers, depreciates, and injuriously affects the strength, quality, or purity of cow's milk. Milk is the food of foods. The felicity of the table hinges on milk. Nay, considered by and large, bar milk and how long would the race itself last? We know, too, that cow's milk is a respectable and common substitute for mother's milk. To injure the young is to grind the seed corn. It being essentially a food, when the legislature two years later used the word "adulterated" in section 640, supra, in connection with food, it was presumably connected in the legislative mind with its prior legislative definition in section 6595—a definition on all fours with that of standard lexicographers and with ordinance 24297. On such premises, we hold there is no conflict between the ordinance and the statute, and that they are neither inconsistent nor irreconcilable with each other. (City of St. Louis *v.* Amel., 139 S. W., 434.)

NEW JERSEY.

Whether cows are diseased is a question to be determined primarily by health authorities.—Boards of health are empowered by the statutes of the State of New Jersey to prohibit the sale of milk from diseased cows. Whether cows from which a municipality is supplied with milk are diseased is a question which may in the first instance be determined by the local board of health. Since no other tribunal is provided the natural inference is that this question should in the first instance be determined by the board, which is the body called on to act. In determining whether cows from which a municipality is supplied with milk are diseased, the method of diagnosis adopted by the local board should be one that is well recognized, thoroughly approved, and as reliable as any. (Borden *v.* Board of Health of Montclair, N. J., 80 Atl. Rep., 30.)

NEW YORK.

Authority to enact a Sanitary Code conveys authority to make additional regulations to those contained in the statutes for the protection of milk.—The Legislature could have made additional provisions to meet the devices resorted to, to defraud and injure the public in the traffic in milk, and to prevent an evasion of the law; and, when in 1873, long after the passage of the law of 1862, it conferred upon the board of health general power to enact sanitary ordinances; we think it conferred the power to make additional regulations to those contained in the statute of 1862, for the more complete protection of the people of New York against the introduction of impure and adulterated milk into the city. (Polinsky *v.* People, 73 N. Y. 65.)

Regulations requiring cleaning of milk receptacles declared valid.—It is an enactment which the board of health is empowered to make for the greater welfare of the inhabitants of a great metropolitan center. When one considers the physical conditions which surround a cosmopolis like New York city; the crowding together in small places of so many individuals; the dirt, filth, and germs which are bound to accumulate in spite of most strenuous efforts; the poverty, sickness and uncleanliness of so many citizens, it is at once apparent that the greatest care must be taken in the transportation of a commodity like milk, which is daily used practically in every family, and which is without doubt more susceptible of taking up germs and scattering them broadcast than any other product.

The defense complains that "the practical effect of this ordinance, if sustained, is to expose the owners of the thousands of dollars worth of milk bottles and receptacles now in use by milk purveyors to blackmail. Any cook or housemaid, who sees fit to refuse to wash bottles after they have been used can compel the company to lose the bottles themselves, since it is unlawful under this ordinance for a milk driver to collect them unless she has seen fit to wash them." It is immaterial whether a housewife or servant desires to wash milk bottles after they are emptied. The law requires that this should be done, and by refusing to do this act the person in question is guilty of a misdemeanor and is amenable to the law. Many people do not care to be law abiding citizens, but that does not prevent statutes from being enforced by courts and juries. It is extremely doubtful that the milk companies would sustain any great losses by reason of housewives refusing to comply with the statute.

Defendants here claim that the last clause of the ordinance in question is void, because there is no relation between it and public health, and because it is an unreasonable and arbitrary interference with private property without

due process of law. The defense urges that this ordinance analogous to that held void in people *v.* Baum (133 App. Div., 481), which provided a fine or imprisonment upon any "person found in a gambling house" no matter how innocent the purpose for which he might be on the premises. Now it is quite true that a person might be in a gambling house for other purposes than that of gambling. A window-cleaner, a scrub-woman, a man selling goods, and numerous others might enter such a place on an entirely innocent errand. It must be clear that any law that regards such persons as criminals is void as being unconstitutional, but the measure in the case at bar is quite different in its application. It has been well argued that many acts of commission or omission or affecting human life and health are punishable as misdemeanors by the provision of statutes which have been again and again held to be constitutional and valid exercises of police power by the higher courts—instances clearly coming under the acts known as "*mala prohibita*" as distinguished from acts known as "*mala in se.*" The Sanitary Code in section 183 has as its object the prevention of the creation and spreading of disease germs and pestilence in a crowded city, and the act of the defendant in carting these unwashed cans to a railroad station to be shipped in that condition is a dangerous act, and any statute forbidding such a practice is unquestionably reasonable in character.

In the case at bar, the enactment is a health law in every sense of the word. The general public is vitally interested in the matter. The unclean bottle or can will transfer the health invading germ to the milk which is poured into it, and therefore, to prevent the possibility of this contact the milk receptacles must be immediately cleaned and must not be held in possession in their germ-laden state. (People *v.* Roth and others, Ct. of Special Sessions of the city of N. Y., Nov. 1912.)

Powers of city health department in excluding milk from city.—The argument that the department of health of the city of New York exceeded its lawful powers "in assuming to regulate the method of the production of milk by the plaintiff, and in prohibiting the creamery company from including plaintiff's milk in its shipments," was unsound, as was the argument that the statute, if conferring such an authority, was invalid as delegating to the officers of the municipality jurisdiction over the affairs of another locality. The department of health of the city of New York is charged by law with the responsibility of preventing pestilence and disease in the city of New York. Its duty is to enforce all laws applicable to the preservation of human life and the promotion of health, and such as relate to the use or sale of unwholesome, deleterious, or adulterated food. In the faithful and efficient performance of that duty, the whole State as well as the city is concerned, and the department must be deemed to possess whatever power is needed to make effective the express powers conferred. So broad is the responsibility with which the department of health is charged that it is to give all information in its possession relating to the existence and cause of disease to the local health authorities of any city, village, or town, which may request the same, and to "add thereto such useful suggestions" as experience may supply.

Of the food supplies introduced into the city of New York, milk is one of the most important. It is now a matter of common knowledge that, if infected, it carries with it the germs or bacilli of dangerous and epidemic diseases. It is the food of the infant, and it is an important element of the food of the adult. It may be infected as it comes from the cow, or it may be contaminated by reason of the insanitary conditions of the dairy. Whatever, therefore, the department of health may do toward preventing the introduction of milk into

the city of New York, which its officers have reason to believe to be unwholesome and deleterious, is in the performance of a statutory duty.

It is unreasonable to say that the department of health, in exercising such a power, renders itself amenable to the charge of exercising an extraterritorial jurisdiction. In notifying the creamery company not to include the plaintiff's milk in its shipments to the city, it was acting for the protection of the inhabitants of the city of New York, and therefore for local interests. There was no interference with the plaintiff's conduct of his farm or business, except as he proposed to supply milk to the city of New York; there was simply an embargo laid on the introduction, within the city of New York, of any milk not produced by him under conditions specified by the department. It had the right to exact from all shippers of milk a compliance with such conditions as would reasonably tend to a pure product for the use of the citizens as a condition of permitting its sale in the city of New York. (Bellows *v.* Raynor, 101 N. E. Rep., 181.)

Power of health authorities to revoke permits for the sale of milk.—A person convicted four times of selling or offering for sale adulterated milk is an unfit person to receive a permit to traffic in milk.

The statutes give the board of health of the city of New York no power to hear, try, or determine cases, and hence their powers are administrative merely, and their action in revoking a permit to sell milk is not subject to review by appeal or certiorari.

The board of health of New York City may revoke a permit to sell milk, though no order has been adopted by the board authorizing such revocation. (People *v.* Dept. Health City of New York, 82 N. W. Rep., 187.)[1]

WISCONSIN.

When the city has the power to license, restrain, and regulate the sale of milk it also has power to revoke licenses, and it may vest such power in the health commissioner, with the right to exercise the same summarily and even without notice. (State, etc., *v.* Milwaukee (Wis.), 121 N. W. Rep., 658.)

(For validity of city ordinances requiring tuberculin test, see also Adams *v.* City of Milwaukee (129 N. W. Rep., 518).)

UNITED STATES.

Ordinance forbidding sale of milk from cows which are not shown to be free from contagious diseases valid.—The ordinance provides that no milk drawn from cows outside of the city shall be brought into the city, contained in cans, bottles, or packages, unless they be marked with a legible stamp, tag, or impression bearing the name and address of the owner of the cows, and unless such owner shall, within one year from the passage of the ordinance, file in the office of the commissioner of health a certificate of a duly licensed veterinary surgeon or other person given authority by the State live-stock sanitary board to make tuberculin tests, stating that such cows have been found free from tuberculosis or other contagious diseases. The certificate is required to give a number which has been permanently attached to each cow and a description sufficient for identification. The certificate must be renewed annually and must show that the cows are free from tuberculosis or other contagious diseases.

The particular contention of plaintiff is that the ordinance violates the fourteenth amendment to the Constitution of the United States because it discriminates between milk drawn from cows outside of Milwaukee and milk drawn from cows within the city. Therefore the charge is that the ordinance does

[1] For power of city board of health to close dairies see *Allston* v. *Ball*, 77 S. E. Rep. (S. C.), 727.

not affect all persons alike. If we regard the territorial distinction merely—that is, milk from cows outside and milk from cows within the city—there is certainly no discrimination. All producers outside of the city are treated alike. Plaintiff identifies himself in interest with all of them and sues for all of them. He therefore seeks grounds of comparison other than the locality of the dairies and urges that the discrimination exists in the difference between the tests to which cows kept outside of the city are subject and the test to which cows within the city are subject.

To sustain his contention plaintiff in error cites an ordinance of the city which provides that no cows or cattle shall be kept in the city without permit from the commissioner of health, except at places provided or established for purposes of slaughtering, and that the stables and places where such animals may be shall be kept at all times in a cleanly and wholesome condition and properly ventilated, and that no person shall allow any animal to be therein which is affected with any contagious and pestilential disease.

This ordinance was supplemented by various rules made by the health commissioner in regard to cleanliness of the stabling of the animals, keeping from them persons infected or who have been exposed to disease, requiring applications for permits to be accompanied by the certificate of the veterinary surgeon showing that the animals have been tested by the tuberculin test and shown by said test to be free from tuberculosis, and that they are not affected with any infectious or contagious disease. If the animals become subsequently infected they are to be removed from the city or disposed of in the manner provided by law.

Three contentions are, notwithstanding, made: (1) The rules were promulgated after this suit was begun. (2) The commissioner had no authority to make the rules. (3) They are radically different rules from the rules as to cows kept outside of the city.

The third contention is the only one that involves a Federal question. The others involve local questions only, and the supreme court of the State decided that the sale of milk drawn from diseased cows is forbidden within the city, that the health officer may remove a diseased animal to a place where it will not spread infection, and that he may apply any known test to determine whether the animal is afflicted with tuberculosis. Inspection and care, therefore, can be applied to the animals within the city, and it is applied also to the milk drawn from such animals. It can not be applied to animals kept outside of the city. It can only be applied to the milk drawn from them. The court noticed this difference and the difference in the regulations made necessary by it. "There are brought into Milwaukee," the court said, "from outside of the city about 28,000 gallons of milk every day, drawn from more than 10,000 cows. It would be practically impossible to subject this quantity of milk to a microscopic examination or to subject it to what is called in the evidence centrifugal test, which would also require the use of a microscope, although not to the same extent. Each animal within the city can be subjected to an individual examination, a microscopic test of samples of its milk, an inspection as to its condition of health, and the tuberculin test applied directly under the orders of the health commissioner. This is a sufficient basis for a separate ruling as to milk shipped into the city. There are other regulations covering the sale of milk drawn from cows kept within the city."

We concur in the conclusion of the court. The different situations of the animals require different regulations. Cows kept outside of the city can not be inspected by the health officers; they can be inspected by a licensed veterinary surgeon and a certificate of the fact and the identity of the cows and the milk authenticated as required by the ordinance. The requirements are not un-

reasonable; they are properly adaptive to the conditions. They are not discriminatory; they have proper relation to the purpose to be accomplished. That purpose and the necessity for it we can not question. (Jacobson *v.* Massachusetts, 197 U. S., 11; Laurel Hill Cemetery *v.* San Francisco, 216 U. S., 358; Mutual Loan Co. *v.* Martell, 222 U. S., 225; Purity Extract & Tonic Co. *v.* Lynch, 226 U. S., 192; Crossman *v.* Lurman, 192 U. S., 189; New Orleans Gas Light Co. *v.* Drainage Comm. of New Orleans, 197 U. S., 453.)

Plaintiff also contends that the provision of the ordinance which requires milk that does not conform to its requirements to be confiscated, forfeited, and immediately destroyed, takes his property without due process of law.

To sustain his contention, he assumes the purity of his milk, though it has not been tuberculin tested, and then asserts that "milk of this kind can not be confiscated and destroyed simply because it is not accompanied with a certificate of a veterinary surgeon or of some person authorized by the Live-Stock Sanitary Board of the State of Wisconsin, as provided by said ordinance, certifying that the tuberculin test has been applied." But plaintiff overlooks the allegation of his complaint. His allegation is, not that his cows are free from infectious or contagious disease, but only "so far as he is able to learn or discover." And the allegation of his willingness to withdraw tainted milk from sale depends upon the same contingent knowledge or information. He overlooks also the findings of the courts against the sufficiency of his information and their demonstration of the necessity of the tests established by the ordinance. But even if the necessity of the tests be not demonstrated and the beliefs which induced them may be disputed, they can not be pronounced illegal. In Laurel Hill Cemetery *v.* San Francisco, supra, we expressed the deference which must be accorded to local beliefs, saying that we would not overthrow an exercise of police power based on them to protect health merely because of our adherence to a contrary belief. It will be observed, therefore, that the contention of plaintiff is without foundation and that the ordinance is not an arbitrary and unreasonable deprivation of property in a wholesome food, but a regulation having the purpose of and found to be necessary for the protection of the public health.

The police power of the State must be declared adequate to such a desired purpose. It is a remedy made necessary by plaintiff acting in disregard of the other provisions of the ordinance; that is, failing to have his cows tested and their milk authenticated as prescribed. The city was surely not required to let the milk pass into consumption and spread its possible contagion. This seems to be the alternative for which plaintiff contends, and might occur. All milk produced outside of the city had amounted, the supreme court said, to 3,500 8-gallon cans daily. Criminal pains and penalties would not prevent the milk from going into consumption. To stop it at the boundaries of the city would be its practical destruction. To hold it there to await judicial proceedings against it would be, as the supreme court said, to leave it at the depots "reeking and rotting, a breeding place for pathogenic bacteria and insects during the period necessary for notice to the owner and resort to judicial proceedings."

We agree with the court that the destruction of the milk was the only available and efficient penalty for the violation of the ordinance. The case, therefore, comes within the principle of the cases we have cited and of Lieberman *v.* Van De Carr (199 U. S., 552). In other words, as the milk might be prohibited from being sold, at the discretion of the board of health, and even prohibited from entering the city (Reed *v.* People of Colorado, 187 U. S., 137), a violation of the conditions upon which it might be sold involves as a penalty its destruction. Plaintiff sets up his beliefs and judgment against those of

government and attempts to defeat its regulations, and thereby makes himself and his property a violator of the law. In North American Storage Co. *v.* Chicago (211 U. S., 306, 315) we said, by Mr. Justice Peckham, that food which is not fit to be eaten, "if kept for sale or in danger of being sold, is itself a nuisance, and a nuisance of the most dangerous kind, involving as it does the health, if not the lives, of persons who may eat it." And it was decided that in such case the food could be seized and destroyed and that a provision for a hearing before seizure and condemnation was not necessary. It was also decided that the owner of the food had his remedy against the arbitrary action of the health officers.

It is, however, said that plaintiff is precluded from such remedy because the ordinance expressly provides that the health officers "shall be held harmless in damages" for their acts "if done in good faith." It may be that that portion of the ordinance is separable if invalid. The supreme court of the State said it was not necessary to pass upon the provision. What view it might entertain it did not clearly express. In determining the validity of the provision the court said that it "must assume that the ordinance is otherwise valid," and that it could not presume that plaintiff would disregard the ordinance held by it "to be valid or place his property in a condition to invite its destruction." "Self-inflicted damage," the court added, "is not recoverable. The open judicial inquiry is in such case, Was the damage self-inflicted?" In other words, as we understand the court, a question upon that portion of the ordinance has not yet reached a justiciable stage. There is certainly no destruction of the milk impending. Indeed, according to the allegations of the complaint, there is a threat only, to be executed if plaintiff should take milk into the city, which, though he alleges he is anxious to do, he may not do. (Adams *v.* City of Milwaukee, etc., No. 274, U. S. Supr. Ct., May 12, 1913.)

INFECTED ARTICLES.

NEW HAMPSHIRE.

Sale of injurious articles may be forbidden or restricted.—* * * Under our system of government the power to restrict the sale and use of such articles as tend to injure the public health and public morals is lodged with the legislature, and is known as the police power. (Const., art. 5; State *v.* Griffin, 69 N. H., 1.) All rights of the citizen are held subject to the lawful exercise of this power, and unless a court can clearly see that a law purporting to have been enacted to protect the public health and public morals has no relation to those objects it can not set it aside as unconstitutional and void. (State *v.* Noyes, 30 N. H., 279; State *v.* Griffin, supra, 27, 28; State *v.* Ramseyer, 73 N. H., 31, 36, 40; Yick Wo *v.* Hopkins, 118 U. S., 356; Crowley *v.* Christensen, 137 U. S., 86; State *v.* Roberts, 74 N. H. Reports, 478.)

TEXAS.

Things susceptible to use to the injury of health can be regulated under police power. (Hernandez *v.* State, 135 S. W. Rep., 170.)

SECOND HAND GOODS, ETC.

ALABAMA.

Ordinance forbidding sale of second-hand clothing invalid.—A town ordinance making it unlawful to import, sell, or otherwise deal in second-hand clothing with a proviso that it shall not apply to articles not imported or that have

not been used by persons having infectious diseases is not a valid exercise of quarantine powers, because it absolutely prohibits dealing in imported clothing. (Greensboro *v.* Ehrenreich, 80 Ala. Rep. 579.)

GEORGIA.

Provisions only apply when purchase or sale is made.—The statutes[1] relative to second-hand goods apply only to transactions involving the purchase or sale of second-hand or cast-off clothing imported into the State. (J. H. Smith & Co. *v.* Evans, 53 S. E. Rep. 589.)

MASSACHUSETTS.

Health regulation requiring disinfection of imported rags valid.—A regulation of the board of health of a city, passed under the authority conferred by St. 1816, c. 44, and Pub. Sts., c. 80 (R. L., c. 75, secs. 65, 132, 133, 135)[1] and ordering "that on and after this date all rags arriving at this port from any foreign port shall, before being discharged, be disinfected under the supervision of an officer of this board, and in a manner satisfactory to this board," even if the order was formal only, and was passed without any inquiry into the character of the rags or their special history, is not unreasonable.

A regulation of the board of health of a city, passed under authority conferred by St. 1816, c. 44, and Pub. Sts., c. 80 (R. L., c. 75)[1] and ordering "that on and after this date all rags arriving at this port from a foreign port shall, before being discharged, be disinfected under the supervision of an officer of this board, and in a manner satisfactory to this board," is not void as infringing the power of Congress "to regulate commerce with foreign nations."

Under the above authority, the board of health of a city may pass a regulation without a hearing, ordering rags imported into the city to be disinfected, and the expense of such disinfection to be borne by the owner of the rags; and it is not competent for the owner of the rags, as a defense to the claim for charges for disinfection, to show that the rags did not require disinfection, and could not have transmitted disease, if they were of the class concerning which the regulation was made.

Under a regulation of the board of health of a city, made in pursuance of the authority conferred by Statute, ordering rags imported into the city to be disinfected at the expense of the owner, the work of disinfection may be delegated by the board to a third person, who is entitled to claim a lien upon the rags for his charges. (Train *v.* Boston Disinfecting Company, 144 Mass., 523.)

MISSISSIPPI.

In the absence of an epidemic, unreasonable restrictions on the sale of second-hand clothing invalid.—In the absence of an epidemic, an ordinance prohibiting any one from bringing second-hand clothing into a town or exposing it for sale without furnishing proof to the mayor that it did not come from an infected district is not a valid exercise of the charter power to establish and enforce quarantine regulations. The ordinance is in restraint of a legitimate trade and is unequal and unjust in its terms and operation. It cannot be contended that a second-hand clothing store is a nuisance *per se* or that second-hand goods are infectious in their nature. If brought from a locality in which infectious and contagious diseases are prevailing or have recently prevailed, second-hand

[1] See pp. 420, 421.

goods might properly be regarded as endangering the general safety and public health, but the same is equally true of new and unused goods. Between the new and the second-hand, the difference, at the most, is a degree in danger only. Why impose the burden in the one case and not in the other? And why impose, in either case, when there is no pretext of apparent necessity for such interference with lawful traffic? The ordinance is clearly an unreasonable and unjust interference with a legitimate and recognized business pursuit, and it is a permanent restraint upon trade. (Town of Kosciusko *v.* Slomberg, 9 So. Rep. 297.)

NORTH CAROLINA.

Health ordinance prohibiting sale second-hand clothing, etc., invalid.—The sale of second hand clothing is not a nuisance per se, but it is on the other hand a lawful business, and under proper regulations may be so conducted as to be without danger to the health of the community, and at the same time be a great benefit to a large portion of the people. There is nothing dangerous to health in articles of second hand clothing of themselves; they can only become noxious by reason of prior use, of having been worn or possessed by persons themselves infected or living in infected communities. (State *v.* Taft, 118 N. C. Rep. 1190.)

FACTORY SANITATION.

MICHIGAN.

Law requiring emery wheels to be provided with blowers to carry away dust valid.—The vital question in this case is the right of the State to require the employer to provide and the employee to use, appliances intended for the protection of the latter. Laws of this class embrace provisions for the safety and welfare of those whom necessity only compels to submit to existing conditions involving hazards which they would otherwise be unwilling to assume. Among them are provisions for fire escapes, for covering or otherwise rendering machinery safe, the condition of buildings, ventilation, etc. In the main, where the necessity is obvious, they commend themselves to those who have at heart the welfare of their fellows, and should be upheld if they do not contravene private rights. * * * There can be no doubt, however, that the use of private property can be regulated by law. No one would think of questioning the validity of laws regulating the manufacture, use, and sale of dangerous drugs or explosives, or laws designed to insure safety in railway travel. The inspection of boilers, fire escapes, upon hotels, means of exit from churches and other buildings which the public are wont to frequent are familiar instances of the exercise of the police power. These rules are defended upon the ground that they are necessary to the safety of the public; not the entire populace, but such persons as shall lawfully place themselves in a position requiring such protection. Where the law is aimed at acts or conditions which threaten contagion, as where sewers, disinfection, or quarantine is required, the necessity and the power to make such laws are obvious. * * * Where under our institutions the validity of laws must be finally passed upon by the courts, all presumptions should be in favor of the validity of legislative action. If the courts find the plain provisions of the constitution violated, or if it can be said that the act is not within the rule of necessity in view of facts of which judicial notice may be taken then the act must fall; otherwise the act should stand. Applying this test, we think the law constitutional. (People *v.* Smith, 66 N. W. Rep. 382.)

MINNESOTA.

Revised Laws, 1905, article 2146, providing for the abatement of premises and occupations which are a menace to public health is constitutional and a proper exercise of the police power of the State. (J. T. McMillan Co. *v.* State Board of Health, 124 N. W., 828.)

MISSOURI.

The legislature may regulate, in such manner as it may think proper, callings that are related to the public health. (State *v.* Smith, 135 S. W. Rep., 465.)

KENTUCKY.

The right to regulate and control persons engaged in any trade or occupation that affects the health of the people is no longer an open question. (Commonwealth *v.* Ward, 123 S. W. Rep., 673.)

SWEATSHOPS.

MARYLAND.

Statutes forbidding the manufacture of goods under certain conditions have a substantial relation to the public health and thus come within the scope of the police power. (State *v.* Hyman, 57 Atl. Rep. 6.)

NEW YORK.

It has never been said, so far as we can learn * * * that its preparation and manufacture into cigars were dangerous to the public health. We are not aware, and are not able to learn, that tobacco is even injurious to the health of those who deal in it, or are engaged in its production or manufacture. We certainly know enough about it to be sure that its manipulation in one room can produce no harm to the health of the occupants of other rooms in the same house. It was proved in this case that the odor of the tobacco did not extend to any of the other rooms of the tenement house. * * * What possible relation can cigar making in any building have to the health of the general public? * * * It is plain that this is not a health law, and that it has no relation whatever to the public health * * *. The claim is made that the legislature could pass this act in the exercise of the police power which every sovereign State possesses. That power is very broad and comprehensive, and is exercised to promote the health, comfort, safety, and welfare of society. Its exercise in extreme cases is frequently justified by the maxim *salus populi suprema lex est.* It is used to regulate the use of property by enforcing the maxim *sic utero tuo, ut alienum non laedas.* * * * But the power, however broad and extensive, is not above the Constitution. When it speaks, its voice must be heeded. It furnishes the supreme law, the guide for the conduct of legislators, judges, and private persons, and so far as it imposes restraints, the police power must be exercised in subordination thereto. (In re Jacobs, 98 N. Y. 98.)

BAKERIES.

WISCONSIN.

Validity of laws not to be judged by workings in exceptional cases.—That places where breadstuff for public consumption is prepared should be sanitary would not be questioned, nor that such places where sun and air are admitted would

be much more so than basements so far below the surface of the ground as to practically or in a large degree exclude sunlight and an abundance of pure air, and thereby render the bakery less sanitary than if constructed not more than 5 feet below the level of the street. Obviously such a regulation could not be held unreasonable when its purpose and the effect of its observance would be to promote the production of wholesome food; but it is said that the plaintiff's bakery, though more than 5 feet below the surface of the ground, is still as sanitary as any other, because of the physical condition of the location; hence that there is no necessity for enforcing the law in the instant case. But individual cases can not determine the necessity of a general law on the subject nor, indeed, rule the question of classification. The question is whether, in general, the public health will be promoted by the rule, and not whether isolated cases do not need such a rule. If the rule be in the interest of the public health, it must be general and all within the class controlled by it. (Benz *v.* Kremer, 142 Wis. Rep., 7.)

LAUNDRIES.

UNITED STATES.

Municipal ordinances for sanitation of laundries not unconstitutional.—Neither the (14th) Amendment—broad and comprehensive as it is—nor any other amendment, was designed to interfere with the power of the State, sometimes termed its police power, to prescribe regulations to promote the health, peace, morals, education, and good order of the people, and to legislate so as to increase the industries of the State, develop its resources, and add to its wealth and prosperity. From the very necessities of society, legislation of a special character, having these objects in view, must often be had in certain districts, such as for draining marshes and irrigating arid plains. Special burdens are often necessary for general benefits—for supplying water, preventing fires, lighting districts, cleaning streets, opening parks, and many other objects. Regulations for these purposes may press with more or less weight upon one than upon another, but they are designed, not to impose unequal or unnecessary restrictions upon any one, but to promote, with as little individual inconvenience as possible, the general good. Though, in many respects, necessarily special in their character, they do not furnish just ground of complaint, if they operate alike upon all persons and property under the same circumstances and conditions. Class legislation, discriminating against some and favoring others, is prohibited, but legislation which is carrying out a public purpose, is limited in its application, if within the sphere of its operation it affects alike all persons similarly situated, is not within the amendment.

In the exercise of admitted power, unnecessary proceedings are often required which are cumbersome, dilatory, and expensive, yet if no discrimination against any one be made, and no substantial right be impaired by them, they are not obnoxious to any constitutional object. The inconveniences arising in the administration of the laws from this cause are matters entirely for the consideration of the State; they can be remedied only by the State. In the case before us, the provisions requiring certificates from the health officer and the board of fire wardens may be in some instances be unnecessary, and the changes to be made to meet the conditions prescribed may be burdensome, but, as we have said, this is a matter for the determination of the municipality in the exercise of its police power, and not a violation of any substantial right of the individual. (Barbier *v.* Connolly, 113 U. S. Rep. 27.)

CALIFORNIA.

Regulation of laundries valid.—Within the proper exercise of the police power the operation of public laundries within the city limits could be entirely prohibited if such a measure could reasonably be said to promote the public health. But here no prohibition is sought, but only a regulation which we must assume the evidence before the council demonstrated to be in furtherance of a beneficent design to contribute to the welfare of the community. Under such circumstances, if they exist, the abstract right of the individual to pursue any lawful occupation where it can be the most conveniently and advantageously carried on must yield to the superior right of the public to be protected from the menace of disease. (Ex re San Chung, 105 Pac. Rep. 609.)

DISTRICT OF COLUMBIA.

Regulation of laundries valid.—We see nothing unreasonable or oppressive in this regulation. The defendant in error is simply required to report to the health officer that he is conducting the kind of a laundry mentioned in the regulation, giving his name and the location of the premises. That he has given similar information to the assessor for a different purpose is of no consequence. We think the regulation both reasonable and conducive to the public health.

The language employed is general and there was just as much, if not more, reason apparently for including such a business as that of the defendant in error as any other. (District of Columbia *v.* Shong Lee, 38 Wash. Law Rep 460.)

HAWAII.

Ordinance prohibiting mouthspraying of clothes valid.—Undoubtedly the ordinance in question stops far short of being a thorough and undiscriminate attempt to remove causes of infection from laundry work and in beginning with Chinese laundries it may be, although we hope not, that harrying Chinese was in the minds of those who urged or made it, but this is not the case in which to apply the saying, "First cast out the beam which is in thine own eye," for the thing sought to be prevented is undoubtedly an unwholesome and unsanitary practice. The facility with which germs of disease are communicated by the siliva is common knowledge. It is impossible to guard against the danger of infection from this spraying process by anything less than its absolute prohibition, hence we cannot say that the ordinance is unreasonable or because of its application to Chinese only that it is class legislation. The XIV Amendment is not intended to secure immunity from such practice on the sole ground that it is indulged in by Chinese only. (Territory *v.* Ah Chong, 17 H. 331.)

Law governing the location of laundries constitutional. (See The King *v.* Tong Lee, 4 H. 335.)

BARBERSHOPS.

MINNESOTA.

Sanitary regulation of barbershops constitutional.—The question in this case is, is it competent for the legislature to prohibit persons from practicing the calling of a barber without first obtaining a license or certificate of registration? Laws enacted for the purpose of regulation or throwing restrictions around a trade, calling, or occupation, in the interests of the public health and morals, are everywhere upheld and sustained. Such laws are within the police power

of the States and are universally sustained where enacted in the interests of public welfare. The question presented in cases where the validity of such law is called in question is no longer the power or authority of the legislature to enact them, but whether the occupation, calling, or business sought to be regulated is one involving the public health and interests. A person engaged in such an occupation is not alone interested therein. The public served by him is also interested. He is interested to the extent that it provides and furnishes him with employment and a means of livelihood. The public is interested in his competency and qualifications. * * * Is the occupation of a barber a calling or trade involving to any degree the public health and public good? If it is the law must be sustained. We hold that it is, and that the health of the citizens and protection from diseases spread from barber shops conducted by unclean and incompetent barbers fully justify the law. It is a fact of which we must take notice that the people of to-day come in contact with and engage the services of, those following the occupation of barber as much as, if not more than, any other occupation or profession * * * it may be be said, further, that there is as much reason for a law of this kind as to barbers as there is for such law as to dentists, pharmacists, lawyers, and plumbers. It is enacted in the interest of the public health and welfare, and we sustain it. (State *v.* Zeno, 81 N. W. Rep. 748.)

MISSOURI.

Barber law constitutional, though applying only to cities containing more than 50,000 inhabitants.—The purpose of the law is to regulate the business and to prevent the spread of contagious diseases, and these purposes are clearly within the police power of the State and tend to promote the health of the people. In short the act is bottomed upon the same legislative principles as the acts in reference to physicians, embalmers, osteopaths, and dentists, and it is evidently modeled after, and follows closely the lines of the act of 1897 relating to dentists. If this act is not a valid police regulation, then all those other acts also fail. (Ex parte Lucas, 61 S. W. Rept. 218.)

NEW JERSEY.

Local boards of health have ample power to prevent spreading of contagious skin diseases in barber shops. (La Porta *v.* Board of Health, 42 Vr. 88.)

RHODE ISLAND.

Barber law constitutional.—Five points were submitted to the supreme court for its determination.

First. Whether or not a search authorized by the law was in violation of the state constitution, which declares the people of the State to be secure in their persons, papers, and possessions against unreasonable searches and seizures.

Secondly. Whether or not the omission of any provision for a trial by jury was constitutional.

Third. Whether or not the two forms of punishment suggested are a violation of the fifth amendment of the Constitution of the United States, which declares that no one shall be twice put in jeopardy for the same offense.

The fourth and fifth inquiries relate to the question of the application of the law, since it is applicable to towns only after adoption by the town council.

The opinion of the court sustained the constitutionality of the law on each of these points.

1. The act in question does not authorize either a search or a seizure. It merely authorizes an examination, which is essentially different from a search. Nothing is authorized to be seized. No authority is given to break open doors, drawers, desks, chests, or anything else. The purpose is merely to empower the board to survey premises at reasonable times so as to know the sanitary conditions of tools, appliances, and furnishings, and to enable it to determine whether or not the law is being properly regarded. Although the conditions upon such an examination should be found to be most unclean and unsanitary, yet the examiner is not authorized to take any summary action, such as seizure of the objectionable tools, appliances, or furnishings, as the case may be; but the examination is made only "for the purpose of ascertaining the sanitary condition thereof" and to enable the board to judge whether or not the law is being obeyed, with the ultimate purpose of revoking the offender's certificate of registration after notice in writing and an opportunity to be heard with appeal to the supreme court, as provided in section 13 of the act as amended by section 1215, Court & Practice Act, 1905.

We therefore answer the first question in the negative.

2. The appeal to the supreme court provided for in section 13 is amended by section 1215, Court & Practice Act 1905, does not deprive the defendant of any constitutional right to a jury trial. * * * There is no penalty or punishment provided except the forfeiture of his license. A judicial trial, however, is secured to the defendant under this provision, and section 15, art. 1, of the constitution, does not apply to cases of this kind. (See State *v.* Roy, 22 R. I. 538, 48 Atl. 802.)

3. It is a sufficient answer to the third question submitted to say that article 5 of amendments to the Constitution of the United States does not apply to State governments, but only to the Federal Government.

As to the fourth and fifth questions, the court said:

"The precise question raised seems to be: Is this law, from the fact that its prohibitions extend only to barbers in cities, a local and special law, and therefore unconstitutional? In Missouri *v.* Lewis, 101 U. S. 22, 25, L. Ed. 989, it was said by Mr. Justice Bradley (page 30 of 101 U. S. [25 L. Ed. 989]): 'Each State has the right to make political subdivisions of its territory for municipal purposes, and to regulate their local government. As respects the administration of justice, it may establish one system of courts for cities and another for rural districts, one system for one portion of its territory and another system for another portion. Convenience, if not necessity, often requires this to be done, and it would seriously interfere with the power of a State to regulate its internal affairs to deny to it this right. * * * We might go still further, and say, with undoubted truth, that there is nothing in the Constitution to prevent any State from adopting any system of laws or judicature it sees fit for all or any part of its territory. * * * If every person residing or being in either portion of the State should be accorded the equal protection of the laws prevailing there, he could not justly complain of a violation of the clause referred to, for, as before said, it has respect to persons and classes of persons. It means that no person or class of persons shall be denied the same protection of the laws which is enjoyed by other persons or other classes in the same place and under like circumstances.'"

Nor is it a valid objection that it is a delegation of legislative power to provide that the law shall apply to a given town only upon a vote of its town council, or that the application shall be left to a vote of the town council and not to the vote of the electors. * * *

It needs no argument to show that the legislature may constitutionally provide for the exercise of the police power in respect to the subject now under

consideration in the same manner in which that same police power may lawfully be exercised in respect to the traffic in intoxicating liquors. (State *v.* Armeno, 72 Atl. Rep. 216.)

TEXAS.

Barber law unconstitutional on account of discrimination.—The intention of this act, it would seem, from its caption, is to regulate the practice of barbering, registering and licensing persons to carry on such practice, and to insure better education of the practice, and to insure better sanitary conditions in barber shops, and to prevent the spread of disease in the State of Texas, and declaring an emergency. If the constitution, requiring all taxes to be equal and uniform, provided such a tax or license fee may be levied as provided by this bill, and it would make no difference whether it is a license fee or a tax, so far as these provisions are concerned, then barbers at the University and other schools, in eleemosynary institutions, and in towns of 1,000 inhabitants or less, are not brought within its provisions, and are not subjected to the same penalties, regulations, or control as are those who come within its provisions. But, whatever may have been the thought in the legislative mind as to why these classes or persons should be exempted, in violation of the provisions of the constitution, we are of opinion that such intent can not operate, and we are of opinion that the favored and exempted classes mentioned, especially with reference to barbers in schools and eleemosynary institutions, can not be exempt, and this law remain constitutional. Sanitary regulations should operate upon all alike, when subject to same conditions.

The law, therefore, is held unconstitutional; and the judgment is reversed, and the prosecution is ordered dismissed. (Jackson *v.* State, 117 S. W. Rep. 818.)

RAILROADS.

UNITED STATES.

Sufficient showing of use in interstate traffic.—Whenever cars are designed for interstate traffic the company owning or using them is bound to equip them as required by act of Congress; and when it is shown that a railway company is using the car for transportation purposes between States sufficient is shown to justify the court in ruling that the act of Congress is applicable to the situation. (Voelker *v.* Chicago, etc., R. R. Co (1902), 116 Fed. Rep., 867.)

ALABAMA.

Persons with contagious diseases not entitled to berths or passage on sleeping cars.—The right of a person to a berth or passage on a sleeping car is not an unlimited right, but it is subject to such reasonable regulation as the company has prescribed for the due accommodation of the passengers and for their safety and comfort. Sleeping-car companies are not bound to admit persons as passengers on their cars who are guilty of gross and vulgar habits of conduct, or who make disturbances on board, and, by a stronger reason, persons who are afflicted with contagious or infectious disease, so that there would be a probability of other passengers contracting the disease with which said afflicted person was suffering. In this case, after proving that it had rules in reference to persons afflicted with contagious or infectious disease, the company offered in evidence this rule: "Persons known to be afflicted with any contagious or infectious disease, or to be insane, will not be permitted in the cars of this company." This rule, it would seem, was adopted for the safety

and comfort of the company's patrons or passengers, and, whether the company is to be treated as a common carrier or otherwise, the rule is a wise and salutary one. and the court has no difficulty in reaching the conclusion that it is a reasonable one, and the lower court should have so declared. (Pullman Co. *v.* Krauss, 40 So. Rep. 398.)

GEORGIA.

Duty of railroad in case of communicable disease among passengers.—If it should be ascertained that a passenger was suffering with smallpox, the carrier might not only cause him to leave the train before arriving at the destination pointed out in his ticket, but, under its duty for the protection of its other passengers, it might become necessary to compel him to do so. (Central of Ga. R. R. Co. *v.* Madden, 69 S. E. R. 165.)

Railroads may be required to furnish pure drinking water.—1. A corporation is not, merely because it is a creature of the law without physical existence, immune from indictment and criminal prosecution for nonfeasance in neglecting to perform duties which it owes to the public.

2. It is within the constitutional power of the general assembly to impose upon a railway company the duty of providing for an adequate supply of pure drinking water for its passengers while journeying upon its cars, and to provide that the corporation shall be indicted, prosecuted, and fined for a neglect of this public duty.

(a) In so far as the legislature has undertaken to inflict upon violators of the Penal Code, article 522, punishment other than fine, the punitive clause thereof is inoperative, because incapable of enforcement.

(b) That section is not, however, violative of the constitutional requirement that all general laws shall have uniform operation, since all violators convicted thereunder must necessarily be punished in the same way, by fine, and not otherwise.

3. When a corporation which is under indictment voluntarily makes an appearance in court by its attorney and demurs to the indictment it thereby waives service of process upon it in the manner pointed out by statute. (Southern Ry. Co. *v.* State, 125 Ga. Rep., 287.)

KENTUCKY.

Health regulations must be obeyed.—It is the duty of all persons in charge of railroads, steamboats, and private conveyances to obey the regulations of the State board of health. (Mason *v.* Ill. Centr. Ry. Co., 77 S. W. Rep. 375.)

NEW JERSEY.[1]

Railroads may be required to furnish drinking cups.—* * * This order these prosecutors assert is illegal, unconstitutional, and unreasonable, for the reasons we shall now consider. It is contended that the furnishing of adequate and proper service does not include the furnishing of drinking cups, and that the requirement of the board is equivalent to an order requiring the companies to supply candy and cigars to the passengers, and in effect that it deprives the companies of their property without due process of law. It will be observed that the order of the board applies only to companies which furnish their passengers with drinking water, and does not extend to companies that fail to supply water to passengers. The question therefore is delimited to the inquiry, whether companies supplying drinking water without furnishing utensils to the public from which to drink it can be said to be supplying "adequate and proper service," as required by law; and whether the order of the board requiring the

[1] Among the States requiring the furnishing of drinking cups to the public are Massachusetts, Michigan, Missouri, and Wisconsin.

companies to furnish such utensils is tantamount to a taking of property without due process. The simile suggested of an order requiring the presentation of cigars or candy to passengers loses its force when it is recalled that such articles are in the category of luxuries, and by no stretch of imagination can be brought within the terms or spirit of a legal mandate intended only to secure the supplying of the necessities of travel under a reasonable demand for "adequate and proper service" to the traveling public. A more apt similitude would seem to be the supplying of a dining service upon trains without the accompaniment of forks, knives, or spoons. But in any event it can not be overlooked in construing this phrase that the companies themselves, as we have intimated, have put a practical and reasonable construction upon it in every instance heretofore where drinking water was supplied upon their trains by supplying its necessary and ordinary concomitant, the drinking glass or cup. The argument, therefore, must be that the requirement is not unreasonable if it be limited as heretofore practiced by the companies to one common cup or glass, but becomes unlawful when this requirement is exceeded pro bono publico, or for any other adequate legislative reason. Legislation of this character, in the interest of the public health, is clearly within the police power of the State, and invariably has been supported by both Federal and State adjudications upon the principle that where property and employment are affected with a public use the business in which it is used is subject to legislative control in all respects necessary to protect the public against danger, injustice, and oppression. (Georgia R. & Bkg. Co. *v.* Smith, 128 U. S., 174; Jacquelin *v.* Erie Railroad, 3 Robb., 432.)

* * * * * * *

No such question is presented here. Nor are we impressed with the argument that the effect of the enforcement of the order sub judice will be to violate the provisions of chapter 171 of the laws of 1911, ubi supra, which prevents the use of a common drinking cup in public places. The two requirements are not inconsistent, since the order in question does not require the companies to use a common drinking cup, but insists upon such cup being kept in sanitary condition if in use by the companies. The common drinking cup contemplated by the statute is one which is in indiscriminate individual use by passengers, without any intervening service by the railroad to render its use sanitary and safe. The object of the requirement sub judice was to eliminate this common use of the cup by the exercise of sanitary precautions, insuring, as far as human care and foresight will permit, the elimination of the dangers lurking in the common receptacle, rendering it, in fact, no longer common as that term was intended to be employed in the statute.

We perceive, therefore, nothing unreasonable or illegal in the order under review. It leaves to the prosecutors the right to determine upon what trains they shall supply drinking water, and whether it shall be supplied in a sanitary cup or glass or in inexpensive individual drinking cups; and such a requirement is in accord with the spirit and letter of the legislation upon which it is based. (Del., Lacka. & W. Ry. Co. *v.* Bd. of Pub. Utility Commrs., 83 N. J., Law Rep., 215.)

PENNSYLVANIA.

Car from without State.—If a car being moved had come from a point without the State it would be moving interstate commerce, and this is so even though the car to which another was being coupled was not the one used in the interstate traffic, but was being removed as a necessary step in getting at and moving the interstate car. (Winkler *v.* Philadelphia, etc., R. Co. (1902), 4 Penn. (Del.), 80.)

WEST VIRGINIA.

Liability incurred by railroad, when acting as carrier to pesthouse.—Where, by a contract made between a county court and a railway company for the mutual advantage of the parties thereto in preventing the spread of a contagious disease, the carrier agrees, in consideration that the county court shall provide and maintain a pesthouse for the care and treatment of persons infected with such disease, to furnish and properly equip a car therefor, and transport such persons to the pesthouse, one of the class of persons therein designated in whose interest it is made may maintain in his own name an action against such carrier, either for damages resulting from a breach of its duty to him under the contract, or arising out of the relation of carrier and passenger after he has been accepted as a passenger. (Jenkins *v.* C. & O. Ry. Co., 57 S. E. Rep. 48.)

SCHOOLS.

INDIANA.

State board of health has no authority to determine what improvements are necessary.—Assuming, without deciding that the Indiana State board of health has authority to condemn a school building and prevent its use for school purposes in its then present condition on purely sanitary grounds, such an assumption does not carry with it the inference that such condemnation requires the destruction of the building. At most all the State board of health can require is that the building be made sanitary. Whether this shall be done by repairing the old or rebuilding the new one is for the proper local authorities to determine. (Advisory Board of Coal Creek Township *v.* Lewandowski, 84 Ind., 346.)[1]

MINNESOTA.

School boards may employ suitable persons to ascertain physical condition of pupils.—The education of a child means much more than merely communicating to it the contents of textbooks. But even if the term were to be so limited, some discretion must be used by the teacher in determining the amount of study each child is capable of. The physical and mental powers of the individual are so interdependent that no system of education, although designed solely to develop mentality, would be complete which ignored bodily health. And this is peculiarly true of children, whose immaturity renders their mental efforts largely dependent on physical condition. It seems that school authorities and teachers coming in contact with the children should have an accurate knowledge of each child's physical condition, for the benefit of the individual child, for the protection of the other children with reference to communicable diseases and conditions, and to permit an intelligent grading of the pupils. (State ex rel. Schomberg *v.* Brown 128 N. W. Rep. 294.)

HOUSING.

DISTRICT OF COLUMBIA.

Compensation for destruction of insanitary buildings.—It is error for the lower court, in an order appointing a board of award to assess damages claimed to be due by a property owner for buildings condemned by the board for the condemnation of insanitary buildings, to instruct the board to limit the amount of compensation to the value of the materials in the buildings condemned.

[1] For power of State to regulate sanitary construction of school buildings see *Pasadena School District* v. *Pasadena*, Cal., 134 Pac. R., 985.

Where a building has been condemned as insanitary by the board for the condemnation of insanitary buildings in the District of Columbia, the owner may apply to the court to have the order of condemnation vacated, or he may apply for the appointment by the court of a board to award damages; and if he pursues the latter course, he waives no right to claim full compensation, including damages for loss of rent and, if the board of condemnation has found that the buildings could not be repaired, the property owner is not precluded from claiming that the cost of repair should be considered by the board of award.

In instructing a board appointed to assess damages to a property owner for the destruction of buildings condemned as insanitary, the court should require the board to make a separate finding under each of the three grounds upon which the statute permits damages to be awarded. (Metzger *v.* Markham, 38 App. D. C., 383.)

HAWAII.

Landlord not compelled to repair, in the absence of agreement.—In the absence of an express covenant by the landlord to repair, a tenant leasing a house lot with buildings thereon is not relieved of his liability to pay rent by abandoning the premises on the ground that the buildings have become so insanitary as to be uninhabitable. (Patterson *v.* Frazier, 18 H. 457.)

ILLINOIS.

Destruction of infected buildings.—A city in the exercise of its police power may declare a building infected with disease germs a public nuisance and have it destroyed, if that was the only method of preventing the disease from spreading.

In the exercise of the police power of a city, the maxim that the people's safety is the supreme law, as well as that requiring the use of one's property so as not to injure others, should be given effect, and property may be summarily declared a public nuisance and destroyed without hearing or previous notice to the owner, when necessary to insure the public safety. (Sings *v.* City of Joliet, 86 N. E., 663.)

IOWA.

A house must be shown to be a nuisance before it can be destroyed.—Before a house can be destroyed, it must be proved that it is a nuisance. While cities and towns have the right to abate nuisances, they have not the power to finally and conclusively determine, without notice or hearing and without the right of appeal, that a thing constitutes a nuisance. Authorities abating a supposed nuisance under the authority of an ordinance are subject to the same liabilities as an individual unless it is established that the property destroyed constituted a nuisance. The declaration by a city council that a building is a nuisance does not necessarily make it so; and their judgment is not conclusive upon the owner who may bring an action for damages. (Cole *v.* Kegler, 19 N. W. Rep. 843.)

(For destruction of building as a nuisance see also Harvey *v.* Dewoody, 18 Ark. 252; Akwai *v.* Royal Ins. Co., 14 H. 533; Hennessy *v.* city of St. Paul, 37 Fed. Rep. 565; Clark *v.* Mayor, 13 Barb. 32; Underwood *v.* Green, 42 N. Y. 140; Yates *v.* Milwaukee, 10 Wall. 497.)

NEW JERSEY.

Powers of health authorities.—The act incorporating the city of Paterson creates a department of health, and enacts that, for the preservation and promotion of the health of the city, that department shall have power to regulate

and control the manner of erecting and constructing dwelling houses and other buildings in said city, but contains no general-welfare clause or clause conferring general police powers. *Held*, that the power to regulate the erection of buildings extends only to such matters as affect health in the sense of freedom from disease and does not justify a regulation requiring the outside walls of buildings to be of a specified thickness. (Hubbard *v.* City of Paterson, 45 N. J. Law (16 Vroom), 310.)

NEW YORK.

For the protection of the public health, improvements at owner's expense may be ordered by law.—Laws and regulations of a police nature, though they may disturb the enjoyment of individual rights, are not unconstitutional, though no provision is made for compensation of such disturbance, they do not appropriate private property for public use, but simply regulate its use and enjoyment by the owner. If he suffer injury, it is either *damnum absque injuria*, or, in the theory of the law, he is compensated for it by sharing in the general benefits which the regulations are intended and calculated to secure. * * * There are sometimes necessary expenses which inevitably grow out of the use to which we may put our property and which we must incur, either voluntarily or else under the direction of the legislature, in order that the general health, safety or welfare may be conserved. The legislature, in the exercise of this power, may direct that certain improvements shall be made in existing houses at the owner's expense, so that the health and safety of the occupants and of the public through them may be guarded. These exactions must be regarded as legal so long as they bear equally upon all members of the same class and their cost does not exceed what may be termed one of the conditions upon which individual property is held. It must not be an unreasonable exaction either with reference to its nature or its cost. Within this reasonable restriction the power of the State may, by police regulations, so direct the use and enjoyment of the property of the citizen that it shall not prove pernicious to his neighbors or to the public generally. * * * (Health Dep't. *v.* Rector, etc., 145 N. Y. 32.)

Destruction of insanitary buildings not necessary.—The fact that a building cannot be made fit for human habitation does not necessarily involve a necessity for its destruction, since a thing which is a nuisance merely because of the use to which it is put cannot be destroyed in order to abate the nuisance, if this may be abated by discontinuing such use. (Health Dep't. of the city of New York *v.* Dassori, 47 N. Y. S. 641; affirmed 54 N. E. Rep. 13.)

Law requiring sanitary appliances valid.—Provisions in the tenement house act requiring all school sinks in tenement houses to be replaced by water closets is a proper and constitutional exercise of the police power of the State for the protection of the public health. (Tenement house Dept. *v.* Katie Moeschen, 85 N. Y. S. 1148; affirmed 72 N. E. Rep. 321; affirmed 203 U. S. 583.)

Vacating of insanitary house may be ordered without notice.—A board of health may order a tenement house to be vacated because of its insanitary conditions, without notice to the owner. An order of this character is not unreasonable because it also prohibits use at any future time without the permission of the board, since such provisions apply only to existing conditions. (Egan *v.* Health Dept. of city of New York, 45 N. Y. S. 325.)

Deviation from plans approved by health department.—Deviation from the plans of a building as approved by the health department of New York City, for which a penalty is provided, is not excused by the permission of an inspector of the department, which he had no authority to give. (Health Department of City of New York *v.* Hamm (Com. Pl.), 4 Misc. Rep., 602; 24 N. Y. Supp., 730.)

Power of health authorities to order better ventilation.—It seems that the board of health has power to make a special order for the ventilation or other improvement of particular premises when in a condition dangerous to life or health, though the case is not provided for by the Sanitary Code, and has ample authority to cause such orders to be executed, since the existence of a penalty for their violation is not essential. (Health Department of New York *v.* Knoll, 70 N. Y., 530.)

WISCONSIN.

Regulation of tenement, lodging, and boarding houses.—The regulation and maintenance of tenement, lodging, and boarding houses is a proper subject for legislative regulation, but the degree of regulation permissible varies according to circumstances.

A police regulation as to the maintenance of tenement and boarding houses which is not excessive as to a large city might be held unreasonable if applied to the State at large.

Limitations in the maintenance of tenement and boarding houses, which are impracticable to comply with, either because of the absence of facilities necessary or of expense so great as to render the regulation prohibitive in many situations are unreasonable.

A general police regulation down to minute particulars as to the construction and maintenance of tenement houses, rendering it impracticable to safely comply therewith in the absence of any official approval of plans and specifications in advance and not providing for any such approval is unreasonable.

A law regarding the construction of tenement houses, requiring street courts to be 6 feet in width between lot line and the opposite wall of the building under all conditions and in all localities to be at least of such width is an unreasonable interference.

A police regulation making every habitation, regardless of locality, a boarding or lodging house, if the proprietor allows a person not a member of his family to have a sleeping room in the house, and regulating the maintenance of the house as regards light, location of beds, equipment of bathrooms, etc., is an unreasonable interference.

There is a wide interval between the ideal and the practical, and the latter standard should prevail as to legislative regulations as to the construction and maintenance of tenement, lodging, and boarding houses. (Bonnett *v.* Vallier, 116 N. W., 885.)

CALIFORNIA.

Validity of act requiring certificates of health department.—The act, which provides that no building hereafter constructed as or altered into a tenement house shall be occupied for human habitation until the issuance of a certificate that said building conforms in all respects to certain sanitary requirements, is a reasonable exercise of the police power, and, therefore, constitutional. The police power deriving its existence from the rule that the safety of the public is the supreme law, justifies legislation on matters pertaining to the public welfare, the public health, or the public morals. Legitimate business, as well as those things which are nuisances in and of themselves, is subject to control if necessary for the preservation of the public health and welfare. Nor does the fact that the law gives to certain officials authority to determine questions relative to compliance render the act invalid. It will not be presumed that authority will be exercised wantonly or for purposes of profit or oppression. (Ex parte Stoltenberg, 132 Pac. Rep., 841.)

FEDERAL, STATE, AND TERRITORIAL LAWS RELATING TO THE CONTROL OF COMMUNICABLE DISEASES, ENACTED BEFORE JULY 1, 1913.

The following laws were compiled in the bureau from the various statutes, as found in the Law Library of Congress, and from copies of recent laws transmitted by special request by the respective State health authorities.

Galley proof of the analysis of the laws, and the laws themselves, were submitted to the health officials of the several States and Territories for criticism and correction, and acknowledgment is due and here made for this service and for helpful suggestions.

This compilation includes only those laws relating specifically to the control of communicable diseases. No attempt has been made to collect the special provisions relative to cities with more than 100,000 inhabitants nor those contained in city charters.

UNITED STATES.

[20 St. L., p. 37, ch. 66.]

Introduction of communicable diseases into the United States.—No vessel or vehicle coming from any foreign port or country where any contagious or infectious disease may exist, and no vessel or vehicle conveying any person or persons, merchandise, or animals, affected with any infectious or contagious disease, shall enter any port of the United States or pass the boundary line between the United States and any foreign country, contrary to the quarantine laws of any one of said United States, into or through the jurisdiction of which said vessel or vehicle may pass or to which it is destined, or except in the manner and subject to the regulations to be prescribed as hereinafter provided.

SEC. 2. *Reports to Surgeon General.*—Whenever any infectious or contagious disease shall appear in any foreign port or country, and whenever any vessel shall leave any infected foreign port or, having on board goods or passengers coming from any place or district infected with cholera or yellow fever, shall leave any foreign port, bound for any port in the United States, the consular officer, or other representative of the United States at or nearest such foreign port shall immediately give information thereof to the Supervising Surgeon General of the Marine-Hospital Service, and shall report to him the name, the date of departure and the port of destination of such vessel; and shall also make the same report to the health officer of the port of destination in the United States, and the consular officers of the United States shall make weekly reports to him of the sanitary condition of the ports at which they are respectively

stationed; and the said Surgeon General of the Marine-Hospital Service shall, under the direction of the Secretary of the Treasury, be charged with the execution of the provisions of this act, and shall frame all needful rules and regulations for that purpose, which rules and regulations shall be subject to the approval of the President, but such rules and regulations shall not conflict with or impair any sanitary or quarantine laws or regulations of any State or municipal authorities now existing or which may hereafter be enacted.

SEC. 3. *Enforcement of national quarantine regulations.*—It shall be the duty of the medical officers of the Marine-Hospital Service and of customs officers to aid in the enforcement of the national quarantine rules and regulations established under the preceding section; but no additional compensation shall be allowed said officers by reason of such services as they may be required to perform under this act, except actual and necessary traveling expenses.

SEC. 4. *Notification to State and municipal authorities.*—The Surgeon General of the Marine-Hospital Service shall, upon receipt of information of the departure of any vessel, goods, or passengers from infected places to any port in the United States, immediately notify the proper State or municipal and United States officer or officers at the threatened port of destination of the vessel, and shall prepare and transmit to the medical officers of the Marine-Hospital Service, to collectors of customs, and to the State and municipal health authorities in the United States weekly abstracts of the consular sanitary reports and other pertinent information received by him.

SEC. 5. *State officers may act as Federal quarantine agents.*—Wherever, at any port of the United States, any State or municipal quarantine system may now, or may hereafter exist, the officers or agents of such system shall, upon the application of the respective State or municipal authorities, be authorized and empowered to act as officers or agents of the national quarantine system, and shall be clothed with all the powers of United States officers for quarantine purposes, but shall receive no pay or emoluments from the United States. At all other ports where, in the opinion of the Secretary of the Treasury, it shall be deemed necessary to establish quarantine, the medical officers or other agents of the Marine-Hospital Service shall perform such duties in the enforcement of the quarantine rules and regulations as may be assigned them by the Surgeon General of that service under this act: *Provided*, That there shall be no interference in any manner with any quarantine laws or regulations as they now exist or may hereafter be adopted under State laws.

[25 St. L., p. 355, Ch. 727.]

Trespassing on quarantine reservations.—Whenever any person shall trespass upon the grounds belonging to any quarantine reservation, * * * such person, trespassing, * * * shall, upon conviction thereof, pay a fine of not more than three hundred dollars, or be sentenced to imprisonment for a period of not more than thirty days, or shall be punished by both fine and imprisonment, at the discretion of the court. And it shall be the duty of the United States attorney in the district where the misdemeanor shall have been committed to take immediate cognizance of the offense, upon report made to him by any medical officer of the Marine-Hospital Service, or by any officer of the customs service, or by any State officer acting under authority of section five of said act.

[26 St. L., p. 31.]

Interstate quarantine.—Whenever it shall be made to appear to the satisfaction of the President that cholera, yellow fever, smallpox, or plague exists in any State or Territory, or in the District of Columbia, and that there is danger

of the spread of such disease into other States, Territories, or the District of Columbia, he is hereby authorized to cause the Secretary of the Treasury to promulgate such rules and regulations as in his judgment may be necessary to prevent the spread of such disease from one State or Territory into another, or from any State or Territory into the District of Columbia, or from the District of Columbia into any State or Territory, and to employ such inspectors and other persons as may be necessary to execute such regulations to prevent the spread of such disease. The said rules and regulations shall be prepared by the Supervising Surgeon General of the Marine-Hospital Service under the direction of the Secretary of the Treasury. And any person who shall willfully violate any rule or regulation so made and promulgated shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than five hundred dollars, or imprisonment for not more than two years, or both, in the discretion of the court.

SEC. 2. *Penalty.*—Any officer, or person acting as an officer, or agent of the United States at any quarantine station, or other person employed to aid in preventing the spread of such disease, who shall willfully violate any of the quarantine laws of the United States, or any of the rules and regulations made and promulgated by the Secretary of the Treasury as provided for in section 1 of this act, or any lawful order of his superior officer or officers, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than three hundred dollars or imprisonment for not more than one year, or both, in the discretion of the court.

SEC. 3. *Penalty.*—When any common carrier or officer, agent, or employee of any common carrier shall willfully violate any of the quarantine laws of the United States, or the rules and regulations made and promulgated as provided for in section 1 of this act, such common carrier, officer, agent, or employee shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine of not more than five hundred dollars, or imprisonment for not more than two years, or both, in the discretion of the court.

[27 St. L., p. 419.]

Entering ports.—It shall be un unlawful for any merchant ship or other vessel from any foreign port or place of [to] enter any port of the United States except in accordance with the provisions of this act and with such rules and regulations of State and municipal health authorities as may be made in pursuance of, or consistent with this act; and any such vessel which shall enter or attempt to enter, a port of the United States in violation thereof shall forfeit to the United States a sum, to be awarded in the discretion of the court, not exceeding five thousand dollars, which shall be a lien upon said vessel, to be recovered by proceedings in the proper district court of the United States. In all such proceedings the United States district attorney for such district shall appear on behalf of the United States; and all such proceedings shall be conducted in accordance with the rules and laws governing cases of seizure of vessels for violation of the revenue laws of the United States.

SEC. 2. *Bills of health.*—Any vessel at any foreign port clearing for any port or place in the United States shall be required to obtain from the consul, vice consul, or other consular officer of the United States at the port of departure, or from the medical officer where such officer has been detailed by the President for that purpose, a bill of health, in duplicate, in the form prescribed by the Secretary of the Treasury, setting forth the sanitary history and condition of said vessel, and that it has in all respects complied with the rules and regulations in such cases prescribed for securing the best sanitary condition of the said

vessel, its cargo, passengers, and crew; and said consular or medical officer is required, before granting such duplicate bill of health, to be satisfied that the matters and things therein stated are true; and for his services in that behalf he shall be entitled to demand and receive such fees as shall by lawful regulation be allowed, to be accounted for as is required in other cases.

The President, in his discretion, is authorized to detail any medical officer of the Government to serve in the office of the consul at any foreign port for the purpose of furnishing information and making the inspection and giving the bills of health hereinbefore mentioned. Any vessel clearing and sailing from any such port without such bill of health, and entering any port of the United States, shall forfeit to the United States not more than five thousand dollars, the amount to be determined by the court, which shall be a lien on the same, to be recovered by proceedings in the proper district court of the United States. In all such proceedings the United States district attorney for such district shall appear on behalf of the United States; and all such proceedings shall be conducted in accordance with the rules and laws governing cases of seizure of vessels for violation of the revenue laws of the United States.

SEC. 3. *Cooperation with State authorities.*—The Supervising Surgeon General of the Marine-Hospital Service shall, immediately after this act takes effect, examine the quarantine regulations of all State and municipal boards of health, and shall, under the direction of the Secretary of the Treasury, cooperate with and aid State and municipal boards of health in the execution and enforcement of the rules and regulations of such boards and in the execution and enforcement of the rules and regulations made by the Secretary of the Treasury, to prevent the introduction of contagious or infectious diseases into the United States from foreign countries, and into one State or Territory or the District of Columbia from another State or Territory or the District of Columbia: and all rules and regulations made by the Secretary of the Treasury shall operate uniformly and in no manner discriminate against any port or place; and at such ports and places within the United States as have no quarantine regulations under State or municipal authority, where such regulations are, in the opinion of the Secretary of the Treasury, necessary to prevent the introduction of contagious or infectious diseases into the United States from foreign countries, or into one State or Territory or the District of Columbia from another State or Territory or the Distict of Columbia, and at such ports and places within the United States where quarantine regulations exist under the authority of the State or municipality which, in the opinion of the Secretary of the Treasury, are not sufficient to prevent the introduction of such diseases into the United States, or into one State or Territory or the District of Columbia from another State or Territory or the District of Columbia, the Secretary of the Treasury shall, if in his judgment it is necessary and proper, make such additional rules and regulations as are necessary to prevent the introduction of such diseases into the United States from foreign countries, or into one State or Territory or the District of Columbia from another State or Territory or the District of Columbia, and when said rules and regulations have been made they shall be promulgated by the Secretary of the Treasury and enforced by the sanitary authorities of the States and municipalities, where the State or municipal health authorities will undertake to execute and enforce them; but if the State or municipal authorities shall fail or refuse to enforce said rules and regulations the President shall execute and enforce the same and adopt such measures as in his judgment shall be necessary to prevent the introduction or spread of such diseases, and may detail or appoint officers for that purpose. The Secretary of the Treasury shall make such rules and regu-

lations as are necessary to be observed by vessels at the port of departure and on the voyage, where such vessels sail from any foreign port or place to any port or place in the United States, to secure the best sanitary condition of such vessel, her cargo, passengers, and crew, which shall be published and communicated to and enforced by the consular officers of the United States. None of the penalties herein imposed shall attach to any vessel or owner or officer thereof until a copy of this act, with the rules and regulations made in pursuance thereof, has been posted up in the office of the consul or other consular officer of the United States for ten days in the port from which said vessel sailed; and the certificate of such consul or consular officer over his official signature shall be competent evidence of such posting in any court of the United States.

SEC. 4. *Public health reports.*—It shall be the duty of the Supervising Surgeon General of the Marine-Hospital Service, under the direction of the Secretary of the Treasury, to perform all the duties in respect to quarantine and quarantine regulations which are provided for by this act, and to obtain information of the sanitary condition of foreign ports and places from which contagious and infectious diseases are or may be imported into the United States, and to this end the consular officer of the United States at such ports and places as shall be designated by the Secretary of the Treasury shall make to the Secretary of the Treasury weekly reports of the sanitary condition of the ports and places at which they are respectively stationed, according to such forms as the Secretary of the Treasury shall prescribe; and the Secretary of the Treasury shall also obtain, through all sources accessible, including State and municipal sanitary authorities throughout the United States, weekly reports of the sanitary condition of ports and places within the United States, and shall prepare, publish, and transmit to collectors of customs and to State and municipal health officers and other sanitarians weekly abstracts of the consular sanitary reports and other pertinent information received by him, and shall also, as far as he may be able, by means of the voluntary cooperation of State and municipal authorities, of public associations, and private persons, procure information relating to the climatic and other conditions affecting the public health, and shall make an annual report of his operations to Congress, with such recommendations as he may deem important to the public interests.

SEC. 5. *Quarantine regulations.*—The Secretary of the Treasury shall from time to time issue to the consular officers of the United States and to the medical officers serving at any foreign port, and otherwise make publicly known, the rules and regulations made by him, to be used and complied with by vessels in foreign ports, for securing the best sanitary condition of such vessels, their cargoes, passengers, and crew, before their departure for any port in the United States and in the course of the voyage; and all such other rules and regulations as shall be observed in the inspection of the same on the arrival thereof at any quarantine station at the port of destination, and for the disinfection and isolation of the same, and the treatment of cargo and persons on board, so as to prevent the introduction of cholera, yellow fever, or other contagious or infectious diseases; and it shall not be lawful for any vessel to enter said port to discharge its cargo or land its passengers except upon a certificate of the health officer at such quarantine station certifying that said rules and regulations have in all respects been observed and complied with, as well on his part as on the part of the said vessel and its master, in respect to the same and to its cargo, passengers, and crew; and the master of every such vessel shall produce and deliver to the collector of customs at said port of entry, together with the other papers of the vessel, the said bills of health required

to be obtained at the port of departure and the certificate herein required to be obtained from the heath officer at the port of entry; and that the bills of health herein prescribed shall be considered as part of the ship's papers, and when duly certified to by the proper consular officer or other officer of the United States, over his official signature and seal, shall be accepted as evidence of the statements therein contained in any court of the United States.

SEC. 6. *Performance of quarantine.*—On the arrival of an infected vessel at any port not provided with proper facilities for treatment of the same the Secretary of the Treasury may remand said vessel, at its own expense, to the nearest national or other quarantine station where accommodations and appliances are provided for the necessary disinfection and treatment of the vessel, passengers, and cargo; and after treatment of any infected vessel at a national quarantine station, and after certificate shall have been given by the United States quarantine officer at said station that the vessel, cargo, and passengers are each and all free from infectious disease, or danger of conveying the same, said vessel shall be admitted to entry to any port of the United States named within the certificate. But at any ports where sufficient quarantine provision has been made by State or local authorities the Secretary of the Treasury may direct vessels bound for said ports to undergo quarantine at said State or local station.

SEC. 7. *Prohibition of intercourse.*—Whenever it shall be shown to the satisfaction of the President that by reason of the existence of cholera or other infectious or contagious diseases in a foreign country there is serious danger of the introduction of the same into the United States, and that notwithstanding the quarantine defense this danger is so increased by the introduction of persons or property from such country that a suspension of the right to introduce the same is demanded in the interest of the public health, the President shall have power to prohibit, in whole or in part, the introduction of persons and property from such countries or places as he shall designate and for such period of time as he may deem necessary.

SEC. 8. *Assuming of State quarantine stations.*—Whenever the proper authorities of a State shall surrender to the United States the use of the buildings and disinfecting apparatus at a State quarantine station the Secretary of the Treasury shall be authorized to receive them and to pay a reasonable compensation to the State for their use, if, in his opinion, they are necessary to the United States.

[30 St. L., p. 836.]

SEC. 10. *Violation of quarantine regulations.*—The Supervising Surgeon General, with the approval of the Secretary of the Treasury, is authorized to designate and mark the boundaries of the quarantine grounds and quarantine anchorages for vessels which are reserved for use at each United States quarantine station; and any vessel or officer of any vessel or other person, other than State or municipal health or quarantine officers, trespassing or otherwise entering upon such grounds or anchorages in disregard of the quarantine rules and regulations, or without permission of the officer in charge of such station, shall be deemed guilty of a misdemeanor and subject to arrest, and upon conviction thereof be punished by a fine of not more than three hundred dollars or imprisonment for not more than one year, or both, in the discretion of the court. Any master or owner of any vessel, or any person violating any provision of this act or any rule or regulation made in accordance with this act, relating to inspection of vessels or relating to the prevention of the introduction of contagious or infectious diseases, or any master, owner, or agent of any

vessel making a false statement relative to the sanitary condition of said vessel or its contents or as to the health of any passenger or person thereon, shall be deemed guilty of a misdemeanor and subject to arrest, and upon conviction thereof be punished by a fine of not more than five hundred dollars or imprisonment for not more than one year, or both, in the discretion of the court.

SEC. 11. *Procedure when vessels have no bill of health.*—Any vessel sailing from any foreign port without the bill of health required by section two of this act, and arriving within the limits of any collection district of the United States, and not entering or attempting to enter any port of the United States, shall be subject to such quarantine measures as shall be prescribed by regulations of the Secretary of the Treasury, and the cost of such measures shall be a lien on said vessel, to be recovered by proceedings in the proper district court of the United States and in the manner set forth above as regards vessels from foreign ports without bills of health and entering any port of the United States.

SEC. 12. *Authority to administer oaths.*—The medical officers of the United States, duly clothed with authority to act as quarantine officers at any port or place within the United States, and when performing the said duties, are hereby authorized to take declarations and administer oaths in matters pertaining to the administration of the quarantine laws and regulations of the United States.

[32 St. L., p. 712.]

Organization, Public Health Service.—The United States Marine-Hospital Service shall hereafter be known and designated as the Public Health and Marine-Hospital Service of the United States, and the Supervising Surgeon General and the officers now or hereafter commissioned under the act of January fourth, eighteen hundred and eighty-nine, entitled "An act to regulate appointments in the Marine-Hospital Service of the United States," and acts amendatory thereof, shall hereafter be known as the Surgeon General, surgeons, passed assistant surgeons, and assistant surgeons of the Public Health and Marine-Hospital Service of the United States. Nothing in this act contained shall be held or construed to discharge any of the officers above named, or any of the acting assistant surgeons, pharmacists, and other employees of the Marine-Hospital Service, or to deprive any officer of his commission or the benefits derived by longevity of service. The care of sick and disabled seamen and all other duties now required by law to be performed by the Marine-Hospital Service shall hereafter be performed by the Public Health and Marine-Hospital Service, and all funds and appropriations now provided by law for use by the Marine-Hospital Service and all properties and rights pertaining to said service shall be available for use for like purposes and in like manner, under the Treasury Department, by the Public Health and Marine-Hospital Service.

SEC. 3. Commissioned medical officers, when detailed by the Surgeon General for duty in the Public Health and Marine-Hospital Bureau at Washington, District of Columbia, in charge of the administrative divisions thereof, namely, marine hospitals and relief, domestic quarantine, foreign and insular quarantine, personnel and accounts, sanitary reports and statistics, and scientific research, shall, while thus serving, be assistant surgeons general of the Public Health and Marine-Hospital Service, but their pay and allowances shall be the same as now provided by regulations of the Marine-Hospital Service for officers in charge of said divisions; and the senior officer thus serving shall be the assistant within the meaning of section one hundred and seventy-eight, Revised Statutes of the United States: *Provided, however*, That no such officer shall

be detailed in charge of said divisions who is below the rank of passed assistant surgeon.

SEC. 4. The President is authorized, in his discretion, to utilize the Public Health and Marine-Hospital Service in times of threatened or actual war to such extent and in such manner as shall in his judgment promote the public interest without, however, in anywise impairing the efficiency of the service for the purposes for which the same was created and is maintained.

SEC. 5. *Advisory board.*—There shall be an advisory board for the Hygienic Laboratory provided by the act of Congress approved March third, nineteen hundred and one, for consultation with the Surgeon General of the Public Health and Marine-Hospital Service relative to the investigations to be inaugurated, and the methods of conducting the same, in said laboratory. Said board shall consist of three competent experts, to be detailed from the Army, the Navy, and the Bureau of Animal Industry by the Surgeon General of the Army, the Surgeon General of the Navy, and the Secretary of Agriculture, respectively, which experts, with the director of the said laboratory, shall be ex officio members of the board, and serve without additional compensation. Five other members of said board shall be appointed by the Surgeon General of Public Health and Marine-Hospital Service, with the approval of the Secretary of the Treasury, who shall be skilled in laboratory work in its relation to the public health, and not in the regular employment of the Government. The said five members shall each receive compensation of ten dollars per diem while serving in conference, as aforesaid, together with allowance for actual and necessary traveling expenses and hotel expenses while in conference. Said conference is not to exceed ten days in any one fiscal year. The term of service of the five members of said board, not in the regular employment of the Government, first appointed shall be so arranged that one of said members shall retire each year, the subsequent appointments to be for a period of five years. Appointments to fill vacancies occurring in a manner other than as above provided shall be made for the unexpired term of the member whose place has become vacant.

SEC. 6. *Organization, Hygienic Laboratory.*—There shall be appointed by the Surgeon General, with the approval of the Secretary of the Treasury, whenever, in the opinion of the Surgeon General, commissioned medical officers of the Public Health and Marine-Hospital Service are not available for this duty by detail, competent persons to take charge of the divisions, respectively, of chemistry, zoology, and pharmacology of the hygienic laboratory, who shall each receive such pay as shall be fixed by the Surgeon General, with the approval of the Secretary of the Treasury. The director of the said laboratory shall be an officer detailed from the corps of commissioned medical officers of the Public Health and Marine-Hospital Service, as now provided by regulations for said detail from the Marine-Hospital Service, and while thus serving shall have the pay and emoluments of a surgeon: *Provided*, That all commissioned officers of the Public Health and Marine-Hospital Service not below the grade of passed assistant surgeon shall be eligible to assignment to duty in charge of the said divisions of the hygienic laboratory, and while serving in such capacity shall be entitled to the pay and emoluments of their rank.

SEC. 7. *Conferences with State authorities.*—When, in the opinion of the Surgeon General of the Public Health and Marine-Hospital Service of the United States, the interests of the public health would be promoted by a conference of said service with State or Territorial boards of health, quarantine authorities, or State health officers, the District of Columbia included, he may invite as many of said health and quarantine authorities as he deems necessary or proper

to send delegates, not more than one from each State or Territory and District of Columbia, to said conference: *Provided*, That an annual conference of the health authorities of all the States and Territories and the District of Columbia shall be called, each of said States, Territories, and the District of Columbia to be entitled to one delegate: *And provided further*, That it shall be the duty of the said Surgeon General to call a conference upon the application of not less than five State or Territorial boards of health, quarantine authorities, or State health officers, each of said States and Territories joining in such request to be represented by one delegate.

SEC. 8. *Compilation of statistics.*—To secure uniformity in the registration of mortality, morbidity, and vital statistics it shall be the duty of the Surgeon General of the Public Health and Marine-Hospital Service, after the annual conference required by section seven to be called, to prepare and distribute suitable and necessary forms for the collection and compilation of such statistics, and said statistics, when transmitted to the Public Health and Marine-Hospital Bureau on said forms, shall be compiled and published by the Public Health and Marine-Hospital Service as a part of the health reports published by said service.

SEC. 9. *Regulations.*—The President shall from time to time prescribe rules for the conduct of the Public Health and Marine-Hospital Service. He shall also prescribe regulations respecting its internal administration and discipline, and the uniforms of its officers and employees. It shall be the duty of the Surgeon General to transmit annually to the Secretary of the Treasury, for transmission by said Secretary to Congress, a full and complete report of the transactions of said service, including a detailed statement of receipts and disbursements.

[34 St. L., p. 209.]

Management and establishment, quarantine stations.—The Secretary of the Treasury shall have the control, direction, and management of all quarantine stations, grounds, and anchorages established by authority of the United States, and as soon as practicable after the approval of this Act shall select and designate such suitable places for them and establish the same at such points on or near the coast line of the United States or the border of the United States and a foreign country, as in his judgment are best suited for the same and necessary to prevent the introduction of yellow fever into the United States, and, in his discretion, he may also establish at the group of islands known as the Dry Tortugas, at the western end of the Florida reef, and at such other point or points on or near the coast line of the United States (not to exceed four in the aggregate) as he deems necessary, quarantine grounds, stations, and anchorages, whereat or whereto infected vessels bound for any port in the United States may be detained or sent for the purpose of being disinfected, having their cargoes disinfected and discharge, if necessary, and their sick treated in hospitals until all danger of infection or contagion from such vessels, their cargoes, passengers, or crews has been removed.

SEC. 2. *Acquirement of grounds.*—In cases in which the title to the land and water so selected and designated is in the United States it shall be the duty of the department, bureau, or official of the United States having custody or possession of such land and water, or any part thereof, not used by the Government for other purposes designated by law, or possession of said Dry Tortugas Islands, on demand of the Secretary of the Treasury, to deliver the same into his custody and possession for the use of the Public Health and Marine-Hospital Service, evidencing such delivery by a suitable instrument in writing to be delivered to the Secretary of the Treasury. That in cases in which the

title to such land and water, or any part thereof, is in any other owner than the United States it shall be the duty of the Secretary of the Treasury to secure the title and possession of the same to the United States for the use of the Public Health and Marine-Hospital Service of the United States, by purchase at a reasonable price, if possible; but if, in his judgment, the price demanded for such property be excessive, he is hereby authorized to apply to the Attorney General of the United States to cause to be instituted, in the proper tribunal, condemnation proceedings in the name of the United States for the purpose of acquiring for the United States the title and possession of such land and water, and said Attorney General shall, as soon as possible after such application by the Secretary of the Treasury, cause such proceedings to be instituted and conducted to a conclusion, and the custody and possession of such land and water, when duly acquired in accordance with the award made in such condemnation proceedings, shall be delivered to the Secretary of the Treasury for the use of the Public Health and Marine-Hospital Service.

SEC. 3. *Yellow fever quarantine.*—On acquiring possession of any land and water in accordance with the provisions of this Act for the purpose of establishing thereat a quarantine station and anchorage, the Secretary of the Treasury shall cause to be published in such newspapers as he may think proper, once a week for four successive weeks, a notice of the selection and designation of such places for quarantine stations and anchorages with a description of the boundaries of such quarantine stations and anchorages, and such rules and regulations as he shall adopt and promulgate, requiring vessels with yellow fever among their passengers or crews to go to specified quarantine stations and anchorages, to be dealt with there before visiting any port of the United States. He shall establish at such quarantine stations and anchorages all necessary instrumentalities for disinfecting vessels and their cargoes, and where the same shall be required shall erect the necessary hospital buildings and install the necessary furniture and fittings for receiving and treating the sick among the passengers and crews of vessels going to such quarantine stations and anchorages, and provide for the separation of those among their passengers and crews who are suffering from yellow fever from those who are in good health, and shall further provide for doing all things necessary to eradicate such disease from such vessels, their cargoes, passengers, and crews.

SEC. 4. *Violation, quarantine rules.*—Any vessel or any officer of any vessel, or other person other than State health or quarantine officers, entering within the limits of any quarantine grounds and anchorages, or any quarantine station and anchorage, or departing therefrom, in disregard of the quarantine rules and regulations or without the permission of the officer in charge of such quarantine ground and anchorage, or of such quarantine station and anchorage, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than three hundred dollars or by imprisonment for not more than one year, or both, in the discretion of the court. That any master or owner of any vessel violating any provision of this Act, or any provision of an Act entitled "An Act granting additional powers and imposing additional duties on the Marine-Hospital Service," approved February fifteenth, eighteen hundred and ninety-three, or violating any rule or regulation made in accordance with this Act or said Act of February fifteenth, eighteen hundred and ninety-three, relating to the inspection of vessels, or to the prevention of the introduction of contagious or infectious diseases into the United States, or any master, owner, or agent of any vessel making a false statement relative to the sanitary condition of such vessel or its contents, or as to the health of any passenger or person thereon shall be deemed guilty of a misdemeanor, and on con-

viction thereof shall be punished by a fine of not more than five hundred dollars or imprisonment for not more than one year, or both, in the discretion of the court.

SEC. 5. *Acquisition of State quarantine stations.*—In any place where a quarantine station and plant is already established by State or local authorities it shall be the duty of the Secretary of the Treasury, before selecting and designating a quarantine station and grounds and anchorage for vessels, to examine such established stations and plants, with a view of obtaining a transfer of the site and plants to the United States, and whenever the proper authorities shall be ready to transfer the same or surrender the use thereof to the United States, the Secretary of the Treasury is authorized to obtain title thereto or possession and use thereof, and to pay a reasonable compensation therefor, if, in his opinion, such purchase or use will be necessary to the United States for quarantine purposes, and the quarantine stations established by authority of this act shall, when so established, be used to prevent the introduction of all quarantinable diseases.

SEC. 6. Whenever any established station, or any land or water, or any part thereof, shall be acquired by the United States under the provisions of this act, jurisdiction over the same shall be ceded to the United States by any State in which the same is situated before any compensation therefor shall be paid.

SEC. 7. *Appropriation.*—The sum of five hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying into effect the provisions of this act, as well as for the purpose generally of preventing the importation of yellow fever and other quarantinable diseases into the United States, and for the further purposes, in cooperation with State or municipal health authorities, of eradicating them should they be imported, of preventing their spread from one State into another State, and of destroying their causes.

[37 St. L., p. 309.]

Reorganization and duties, Public Health Service.—The Public Health and Marine-Hospital Service of the United States shall hereafter be known and designated as the Public Health Service, and all laws pertaining to the Public Health and Marine-Hospital Service of the United States shall hereafter apply to the Public Health Service, and all regulations now in force, made in accordance with law for the Public Health and Marine-Hospital Service of the United States shall apply to and remain in force as regulations of and for the Public Health Service until changed or rescinded. The Public Health Service may study and investigate the diseases of man and conditions influencing the propagation and spread thereof, including sanitation and sewage and the pollution either directly or indirectly of the navigable streams and lakes of the United States, and it may from time to time issue information in the form of publications for the use of the public.

SEC. 2. *Salaries.*—Beginning with the first day of October next after the passage of this act the salaries of the commissioned medical officers of the Public Health Service shall be at the following rates per annum: Surgeon General, six thousand dollars; Assistant Surgeon General, four thousand dollars; senior surgeon, of which there shall be ten in number, on active duty, three thousand five hundred dollars; surgeon, three thousand dollars; passed assistant surgeon, two thousand four hundred dollars; assistant surgeon, two thousand dollars; and the said officers, excepting the Surgeon General, shall receive an additional compensation of ten per centum of the annual salary as above set forth for

each five years' service, but not to exceed in all forty per centum: *Provided*, That the total salary, including the longevity increase, shall not exceed the following rates: Assistant Surgeon General, five thousand dollars; senior surgeon, four thousand five hundred dollars; surgeon, four thousand dollars: *Provided further*, That there may be employed in the Public Health Service such help as may be provided for from time to time by Congress.

[38 St. L., p. —.]

Public health appropriations, fiscal year 1914.—For pay, allowance and commutation of quarters for commissioned medical officers and pharmacists, $547,640; at least six of the assistant surgeons provided for hereunder shall be required to have had a special training in the diagnosis of insanity and mental defect for duty in connection with the examination of arriving aliens with special reference to the detection of mental defection.

For additional assistant surgeons, $50,000.

For pay of acting assistant surgeons (noncommissioned medical officers), $200,000.

For pay of all other employes (attendants, and so forth), $477,606.

For freight, transportation, and traveling expenses, including the expenses, except membership fees, of officers when officially detailed to attend meetings of associations for the promotion of public health, $30.000; for fuel, light, and water, $70,000; for furniture and repairs to same, $8,000; for purveying depot, purchase of medical, surgical and hospital supplies, $45,000; for maintaining the hygienic laboratory, $20,000.

For maintenance of marine hospitals, including subsistence, and for all other necessary miscellaneous expenses, which are not included under special heads, $245,000: Provided, That there may be admitted into said hospitals for study, persons with infectious or other diseases affecting the public health, and not to exceed ten cases in any one hospital at one time.

For medical examinations, care of seamen, care and treatment of all other persons entitled to relief, and miscellaneous expenses other than marine hospitals, which are not included under special heads, 0126,000: Provided, That hereafter commissioned officers and pharmacists, and those employes of the service devoting all their time to field work, shall be entitled to hospital relief when taken sick or injured in line of duty.

For journals and scientific books, for use of the Public Health Service; subscriptions for journals for use of the service may be paid for in advance, $500.

In all, $1,819,746, which shall include the amount necessary for the medical inspection of aliens, as required by section 17 of the act of Congress approved February 20, 1907.

Quarantine Service.—For the maintenance and ordinary expenses, exclusive of pay of officers and employes, of quarantine stations, and including not exceeding $500 for printing on account of the quarantine service at times when the exigencies of that service require immediate action, $155,000.

Prevention of epidemics.—To enable the President of the United States, in case only of threatened or actual epidemic, of cholera, typhus fever, yellow fever, smallpox, bubonic plague, Chinese plague or black death, or trachoma, to aid state and local boards, or otherwise, in his discretion, in preventing and suppressing the spread of the same, and in such emergency in the execution of any quarantine laws which may be then in force, $200,000: Provided, That a detailed report of the expenditures hereunder shall annually hereafter be submitted to Congress.

Field investigations of Public Health Matters.—For investigations of diseases of man and conditions influencing the propagation and spread thereof, including sanitation and sewage, and the pollution of navigable streams and lakes of the United States, including personal service, $200,000, of which the sum of $40,000 shall be immediately available.

Hygienic Laboratory, Washington, D. C.—For additional building for research work, disinfection, experiments and housing animals, $25,000.

Interstate Quarantine Service.—For cooperation with state and municipal health authorities in the prevention of the spread of contagious and infectious diseases in interstate traffic, $15,000.

ALABAMA.

[Code of 1907.]

702. *Authority, jurisdiction, and duties of the State Board of Health.*—The State Board of Health shall have general control over the enforcement of the laws relating to the public health; shall investigate the causes, modes of propagation, and means of prevention of endemic, epidemic, infectious, and contagious diseases; shall investigate the influence of localities and employments on the health of the people; shall have the right to inspect all public schools, hospitals, asylums, jails, poor houses, theaters, opera-houses, court-houses, prisons, markets, public dairies, slaughter-pens or houses, depots, passenger cars, and other public places and institutions of like character; also, the sources of supply, reservoirs, and avenues of conveyance of drinking water furnished to incorporated cities and towns; shall prescribe and publish rules for the sanitation of depots and passenger cars on the lines of all railroads in the State, including the territory contiguous to said lines of railroad; shall exercise general supervision and control over the county boards of health in the execution of the public health laws of the state in their respective counties; and shall act as an advisory board to the State in all sanitary and medical matters.

703. *Duties, authorities, and powers of county boards of health.*—It shall be the duty of county boards of health:

(a) To supervise the administration of the health laws of the state in their respective counties, and to enforce the law for the collection of vital and mortuary statistics:

(b) To investigate through their committees of public health and health officers cases or outbreaks of any of the diseases enumerated in section 716 of this Code, and to enforce such measures for the prevention, or extermination, of said diseases as they are authorized by law to enforce:

(d) To exercise through their committees of public health and health officers special supervision over the sanitary conditions of public schools, hospitals, halls, opera-houses, theaters, asylums, courthouses, jails, industrial and manufacturing establishments, prisons, markets, public dairies, public slaughter pens or houses, and depots and passenger cars on all lines of railroad in their respective counties, including the territory contiguous to said lines of railroad;

SEC. 733 (as amended by act, p. 621, acts of 1011). *Appropriation.*—The sum of $25,000 is hereby appropriated to the State board of health annually. * * * Said sum shall be expended for the following purposes: (1) To supervise the execution of the health laws of the State; (2) to supervise the collection of the vital, mortuary, and infectious disease statistics of the State and to tabulate the same for publication; (3) to furnish all such blanks, envelopes, record books, stationery, and postage as may be needed for the collection, tabulation, and filing of the vital, mortuary, and infectious disease statistics of the State;

(4) to conduct a bacteriological laboratory for furnishing the most modern scientific aids in the diagnosis and treatment of the diseases of the people of the State; (5) to conduct a Pasteur institute for the free treatment of all residents of the State who may be bitten by rabid animals and who may apply for treatment; (6) to conduct campaigns for the education of the people of the State as to the causation, propagation, and prevention of tuberculosis, hookworm disease, typhoid and malarial fevers, and other preventable diseases; (7) to conduct campaigns for the extermination of tuberculosis, hookworm disease, typhoid and malarial fevers, and other preventable diseases in so far as this may be accomplished; (8) to conduct campaigns for the education of the people as to the sanitary methods to be employed in securing pure milk and pure drinking water; (9) to distribute among the people of the State bulletins, leaflets, etc., giving information in regard to preventable diseases; (10) to provide an equipment for a field hospital to be used for isolating and treating cases of infectious and pestilential diseases that may occur in or be imported into the State; (11) to establish one or more depots of supply of diphtheritic antitoxin in every county of the State, said antitoxin to be furnished free of cost to all persons unable to provide themselves with the remedy when needed; (12) to provide an equipment for disinfecting houses and other places under urgent and special conditions; * * * (14) to enable the State board of health to secure legal advice and assistance, when needed, in the execution of the health and quarantine laws of the State; * * * (15) to provide an equipment for illustrating popular lectures on the causes, modes of transmission, and prevention of diseases, said lectures to be delivered under the auspices of the State board of health; (16) to employ such clerks, agents, and other employees and to purchase such property, materials, and supplies, and to enter into such contracts as may be considered expedient by said board in discharging its duties or assisting in the discharge of the duties of other boards or officials having duties in connection with any of the health laws of the State.

706. *Duties of county health officers.*—It shall be the duty of the health officer of a county:

(*a*) To keep, under regulations prescribed by the State Board of Health, a book to be styled "The Register of Infectious Diseases," in which book he shall register, so far as reported to him, the name, age, sex, color, race, occupation, and place of residence, together with such other details as may be required by said regulations, of all persons who may be attacked by any of the diseases enumerated in section 716 of this Code; all of which Registers shall, when filled, be filed by the county health officer in the office of the judge of probate of the county, who shall receipt therefor;

(*b*) To exercise, under the direction and control of the committee of public health acting for the county board of health, and in accordance with the health laws of the State, general supervision over the sanitary interests of the county, and should he discover any cause of disease, or the existence of any condition detrimental to the health of the people, he shall, so far as authorized by law, compel the removal or abatement of the same, and should no authority for such removal or abatement exist, he shall report the facts to the county board of health, adding such recommendations as to special action as he may deem proper.

(*c*) To make personal and thorough investigation of the first case, or early cases, of any disease suspected of being any one of those enumerated in section 716 of this Code that may come to his knowledge, or be reported to him, and should he decide such case, or cases, to be one of those enumerated in said section and in imminent danger of spreading, he shall, in accordance with law,

institute immediate measures to prevent the spread of such disease, and shall forthwith report the facts thereof in writing to the judge of probate of the county, to the chairman of the committee of public health of the county board of health, and to the State health officer.

(*h*) To make to the State health officer prompt report of the presence in the county, so far as reported to him, or as comes to his knowledge, of any of the diseases enumerated in section 716 of this code, furnishing such information and at such intervals as the State health officer may require.

710. *Duties of municipal health officers.*—It shall be the duty of the health officer of a municipality:

(*a*) To keep, under regulations prescribed by the State board of health, a book to be styled "The Register of Infectious Diseases," in which he shall register, so far as reported to him, the name, age, sex, color, race, occupation, and place of residence, together with such other details as may be required by said regulations, of all persons who may be attacked by any of the diseases enumerated in section 716 of this Code; all of which Registers shall, when filled, be filed by the health officer of the municipality in the office of the judge of probate of the county, who shall receipt therefor;

(*b*) To exercise, under the direction and control of the committee of public health acting for the county board of health, and in accordance with the health laws of the State and the health ordinances of the municipality, general supervision over the sanitary interests of the municipality, and should he discover any cause of disease, or any condition detrimental to the health of the people, he shall, so far as authorized by law, or ordinance, compel the removal or abatement of the same, and should no authority for such removal or abatement exist, he shall report the facts to the county board of health, adding such recommendations for special action as he may deem proper;

(*c*) To make personal and thorough investigation of the first case, or early cases, of any disease suspected of being any one of the diseases enumerated in section 716 of this Code that may come to his knowledge, or be reported to him, and should he decide such case, or cases, to be any one of the diseases enumerated in said section, and in imminent danger of spreading, he shall, in accordance with law, or ordinance, institute immediate measures to prevent the spread of such disease, and shall forthwith report the facts in writing to the mayor and council of the municipality, to the committee of public health of the county board of health, and to the state health officer;

(*f*) To make to the county health officer by or before the 10th day of each calendar month a full report of all births and deaths, specifying the causes of the latter, so far as reported to him, that occurred in the municipality for the preceding month.

(*g*) To make to the mayor and council of the municipality, to the committee of public health of the county board of health, and to the State health officer prompt reports of the presence in the municipality of any of the diseases enumerated in section 716 of this code, furnishing such information, and at such intervals as said authorities may require.

714. *Report of physician as to contagious diseases.*—Every physician who is called to a case of any of the diseases named in section 716 of this Code shall, as soon thereafter as can be done, make a report thereof to the county, city, or town health officer in whose jurisdiction the case is located, specifying the name and locality of the patient, the character of the disease, together with such other details as will furnish adequate information of the conditions and surroundings.

715. *Investigation of suspicious cases of diseases.*—Whenever a disease appears in a county, incorporated city, or town, suspected by any physician, or

midwife, or by any person on whose premises such sick person is, of being one of those enumerated in the next succeeding section, such physician, or midwife, or such person, shall report his or her suspicion to the health officer having jurisdiction over the locality where such case appears, whereupon, such health officer shall thoroughly investigate and decide upon the character of the disease. Should he entertain doubt as to the nature of the disease he shall call to his aid such members of the committee of public health of the county board of health as may be available. Should doubt, or difference of opinion, as to the nature of the disease still exist, the State health officer shall be summoned, to which summons he shall respond as promptly as circumstances will permit.

716. *The diseases named, the spread of which is to be controlled by law.*—Should the disease prove to be leprosy, cholera, typhus fever, cerebro-spinal meningitis or spotted fever, yellow fever, scarlet fever, bubonic plague, hydrophobia, glanders, small pox, diphtheria, pulmonary tuberculosis, typhoid fever, Chagris fever, beri-beri, or of other nature believed to be grave and at the same time contagious, infectious, or pestilential in character, or if the disease be known to be either one of those just enumerated and be so reported, the health officer of the county, city, or town shall promptly notify in writing the probate judge and commissioners or board of revenue of the county, the mayor or intendant and the council of the city or town, according to the location of the disease, of the presence and extent of prevalence of the disease, and said health officer shall accompany such notification with such recommendations as he may deem necessary to prevent the spread of the disease, calling into consultation with him, from time to time, the committee of public health of the county board of health. Upon receipt of such notification and recommendations said county, city, or town officials, as the case may be, shall, after consultation with the health officer in charge, and, if need be, with the committee of public health of the county board of health, appropriate such funds, or assume responsibility for such expenditures, as may be found necessary to prevent the spread of the disease. If authorized to incur the necessary expense, the health officer of the county, city, or town in which the disease is located shall proceed to direct and supervise the enforcement of the measures of extermination of the disease authorized by the county, city, or town authorities concerned, whether such measures shall apply to persons sick of, or convalescent from, the disease, or to those who have been exposed thereto. All employees needed to enforce the measures of control shall, subject to the approval of the committee of public health of the county board of health, be selected and employed by the health officer in charge, and shall be subject to removal by said officer or officers, likewise on approval of the committee of public health of the county board of health. Whenever any of the diseases enumerated in this section, or one suspected of being such, appears in a county, incorporated city, or town under such conditions and surroundings as to render it imperative that prompt and immediate measures to prevent its spread be enforced, the health officer of such county, incorporated city, or town, as the case may be, shall have the right to institute and enforce such measures, subject to the approval of the committee of public health of the county board of health.

717. *Isolation and detention of cases of contagious diseases.*—Whenever the health officer of a county, incorporated city, or town shall recommend to the judge of probate and county commissioners or board of revenue, or to the mayor or intendant and council of an incorporated city or town, the isolation and detention of such persons as are laboring under, or have been exposed to, any of the diseases named in section 716 of this Code, the said judge of probate and commissioners or board of revenue, or the said mayor or intendant and council of such incorporated city or town shall enforce, under such penalties

as said authorities may respectively prescribe, the isolation and detention of said persons, either at their own homes, or at such places as may be designated by said judge of probate and county commissioners or board of revenue, or by said mayor or intendant and council of an incorporated city or town, provided that said recommendations and rules for the isolation and detention of said persons shall receive the written endorsement of at least one member of the committee of public health of the county board of health.

719. *Removal of infected persons not in their own homes.*—Whenever complaint shall be made in writing to the health officer of a county, city, or town that a person, not in his own home, is afflicted with any of the diseases named in section 716 of this Code, such health officer shall thoroughly and promptly investigate said complaint. If upon investigation said health officer be of the opinion that said complaint is well-founded, he shall, if his opinion be concurred in by at least one member of the committee of public health of the county board of health, cause such person to be removed to such place as may have been provided for such cases in the county, city, or town in which such person is found; or, if there be no such place provided for such cases, then, to such place as said health officer may deem suitable, subject to the approval of the authorities of the county, city, or town, as the case may be. The removal of said person shall be at the expense of said person; or in case the person removed is a minor, then, at the expense of his parents or guardian; or if the person be indigent, then, at the expense of the town, city, or county, as the case may be.

720. *Health officer authorized to enter infected houses.*—Whenever a house, or part of a house, is believed, or known, to have become infected by any of the diseases enumerated in section 716 of this Code, it shall be lawful for the health officer of the county, or of the municipality, according to the location of the said house, to enter said house, or part of house, or to authorize other persons to enter said house, or part of house, one or both, for the purpose of disinfecting it; provided that the disinfection shall be conducted with as little inconvenience to the owner, or occupant, and with as little damage to the house and to the furniture therein, as is compatible with thoroughness.

721. *Resistance to health officer.*—If in the attempt to perform any duty enjoined by either of the three preceding sections the health officer of a county, city, or town shall be forcibly resisted, or threatened with forceful resistance, such health officer shall make affidavit before the judge of any court of record, the judge of probate, or any justice of the peace of said county that said forceful resistance has been made, or threatened, whereupon, the officer before whom said affidavit has been made shall forthwith issue his warrant directed to the sheriff, or to any bonded constable of said county, commanding said sheriff, or constable, to remove or abate under the direction of said health officer said unsanitary condition, or source of infection, or offensive or indecent material or thing, or to remove said afflicted person, and it shall be the duty of said sheriff, or constable, to whom said warrant shall be delivered to promptly execute the same. In executing every such warrant the said sheriff, or constable, shall have the right to enter by force into any such lot, piece of ground, house, or vessel, or upon any such pond, lake, or stream.

722. *Landlords, or lessors, must notify tenants or lessees of infected houses.*—It shall be unlawful for the owner of a house, or part of a house, in which a case of any of the diseases enumerated in section 716 of this Code has existed, or for an agent representing such owner, to lease, or sell, such house, or part of a house without first notifying the proposed lessee, or purchaser, of the fact; provided that such notification may be omitted in case the owner, or agent,

holds a certificate from the health officer in whose jurisdiction such house, or part of a house, is located to the effect that it was after having been infected thoroughly and scientifically disinfected.

7049 (as amended by act, p. 583, acts of 1911). *Failure of head of family to report pestilential or infectious disease.*—Any head of a family, or other person, upon whose premises a case of infectious or pestilential disease occurs, which is not under the charge of a physician, who refuses or willfully fails to report the same as promptly as can be done to the health officer, county or municipal, in whose jurisdiction the case is, must, on conviction, be fined not less than five nor more than twenty-five dollars.

7052 (as amended by act, p. 584, acts of 1911). *Failure of physician to report pestilential or infectious diseases.*—Any physician being called upon to treat a case of infectious or pestilential disease or to whose knowledge the existence of such case comes, who refuses or willfully fails to make to the health officer, county or municipal, in whose jurisdiction the case is located, within such time as may be prescribed by the county board of health, a full and prompt report thereof, specifying the character of the disease, the name and locality of the patient, together with such other details as may be required by the state board of health, must, on conviction, be fined not less than ten nor more than fifty dollars.

1276. *Powers, municipalities.*— * * * All cities and towns of this state shall have the following powers, and the councils of such cities and towns may provide by ordinance, or resolution, for the exercise or enforcement of the same: To prevent the introduction of contagious, infectious, or pestilential diseases into such cities or towns; to establish and regulate a sufficient quarantine not inconsistent with the laws of the state in the towns and cities and within the police jurisdiction thereof, and to punish any breach of quarantine law; to adopt such ordinances and regulations as the council may deem necessary to insure good sanitary condition in public places or in private premises in the cities and towns, * * *

1277. To aid, establish, set up, and regulate hospitals, * * * and pesthouses, anywhere in the county in which the city or town is situated, and cause persons afflicted with contagious, infectious, or pestilential diseases to be removed to such hospitals or pesthouses as may be provided for the purpose, and to cause persons who have been exposed to such diseases, or any of them, to be removed to some suitable place of detention and detained for a reasonable length of time.

1289. To adopt all necessary ordinances and enforce the same to prevent the introduction or spread of contagious, infectious, or pestilential diseases in the cities or towns, * * *

SEC. 162. *Municipal laboratories.*—Incorporated cities and towns shall have the right to establish and maintain laboratories—chemical, bacteriological, or of other kind—for investigation of the purity of foods, drugs, and public water supplies, and for the study of the nature, causes, propagation, and prevention of diseases: *Provided*, That the control and management of such laboratories and the appointment of all persons employed to conduct, or to aid in conducting, said laboratories shall be under the jurisdiction of their municipal health officers, respectively, subject to the approval of the county boards of health of the counties in which said laboratories may be established.

SEC. 735 (as amended by act, p. 192, acts of 1911). *Care of sick.*—The Board of revenue or court of county commissioners of any county in this State having a population of over twenty-five thousand people is authorized and empowered to make appropriation out of their respective county treasury to aid in main-

taining and taking care of sick and wounded persons who are unable to provide for themselves in any hospital maintained in their respective counties exclusively for the care of the sick and wounded.

727. *Sanitary regulations; expenses.*—In the administration of the public health and quarantine laws of the State, * * * All expenditures, except such as are provided for by specific appropriations, shall be under the control of the governor, the judge of probate and commissioners, or board of revenue, or of the municipal authorities, according as such expenditures are made under State, county, or municipal authority.

728. *Recovery of expenses by health officer, sheriff, etc.*—When an expense has been incurred by any health officer, sheriff, or bonded constable in the execution of the duties required by the provisions of this article said health officer, sheriff, or bonded constable, as the case may be, shall have the right of action against the person responsible for the said expense in order to recover the same: *Provided*, That no more than is fair and reasonable shall be recovered, as the court or jury shall determine.

736. *Quarantine; how proclaimed and enforced.*—Quarantine shall be proclaimed and enforced by the State, by counties, and by incorporated cities and towns, in accordance with the provisions of this article.

737. *Quarantine executed by committees of public health and health officers.*—Whenever in this article rights are granted to, or duties imposed upon, the state board of health, or a county board of health, such rights may be exercised and such duties performed by the committees of public health and health officers, respectively, of said boards, as their legal and accredited agents.

738. *Duty of governor to proclaim quarantine.*—The governor, whenever he deems it necessary, or whenever so advised by the state board of health, shall proclaim quarantine, and, when proclaimed, said board of health shall enforce such quarantine under such regulations as may, from time to time, be prescribed.

739. *Authority of health officer to investigate as to necessity for quarantine.*—The state health officer, or any other member of the state board of health designated by him, or by the president of the state board of health, or by the state committee of public health may go into any place in this state for the purpose of making such investigations as shall determine the necessity for quarantine. Quarantine may be established pending such investigation, or upon authentic information of the existence of a quarantinable disease at any place from which such disease is likely to invade the state, or any portion thereof.

740. *Refusal of investigation ground for declaring quarantine.*—Should permission for such investigation into the nature of a disease as that provided for in the preceding section be refused by the authorities of any place outside of this State, such refusal may constitute ground for declaring quarantine against such place.

741. *Detention ground; if without town or city limits assent of county commissioners necessary.*—The authorities of any incorporated city or town may establish a place of detention for persons who may come from territory under quarantine by such incorporated city or town, but if the place selected be without the limits of the town or city the assent of the commissioners of the county in which such place is located must be obtained.

742. *Quarantine authority of state paramount.*—The quarantine authority of the state shall be paramount to that of any county, city, or town therein.

743. *State quarantine officers and guards permitted to pass quarantine lines.*—All state quarantine officers and guards, upon presentation of such credentials and compliance with such regulations as may be prescribed by the state board

of health, shall be permitted to pass all quarantine lines established by county, city, or town authority.

744. *Modifications of, or additions to, quarantine regulations, how made.*—When proclamation of quarantine has been issued by the governor, the state health officer may, subject to the approval of the state board of health, amend the regulations originally adopted, and may add to, or take from, the territory under quarantine, provided that he reports to the governor all amendments and changes made, together with the reasons therefor.

745. *Trains, steamboats, etc., under supervision of state board of health.*—During the existence of quarantine, state or local, the supervision of all trains, steamboats, and water craft affected by such quarantine, shall be placed under the state board of health; and the quarantine authorities of any county, incorporated city, or town traversed by such roads, or to which such steamboats or water craft shall ply, may refuse to receive freights, mails, or express matter from a place infected with a quarantinable disease, of which refusal the said authorities shall give the state health officer immediate notice.

746. *Trains and water craft permitted to pass with open windows, and to stop for fuel, water, and provisions.*—Railroad trains and water craft shall be permitted to pass with open windows, if the passengers and crews thereon so desire, and to stop for fuel, water, and provisions at such stations or landings as are as remote as practicable from thickly inhabited places.

747. *Affidavits by persons desiring to enter certain places.*—Any person who makes affidavit before a quarantine officer, or guard, engaged in enforcing quarantine for the protection of a place which said person wishes to enter, and who furnishes such other evidence as may be prescribed by the state board of health, that he has not since the appearance of a quarantinable disease, then existing, been in any place against which quarantine has been legally proclaimed, shall be permitted to enter, and remain in, the place to which he desires to go. Any person who has been in a place then under quarantine by the authority of the state, or by that of a county, city, or town, with the approval of the state board of health, and who has since complied with the requirements as to detention and disinfection, one or both, prescribed, or approved, by the state board of health, and who shall make affidavit thereto, and furnish such other evidence thereof, as said board may prescribe, or demand, shall be permitted to enter, or remain in, any place in this state.

748. *County and municipal quarantine; how proclaimed.*—Upon the recommendation of the board of health of a county, and subject to the approval of the state board of health, quarantine may be proclaimed for a county by the probate judge thereof, or in case of his inability to act, then by the presiding officer of the board of commissioners, or revenue, and for an incorporated city or town by the mayor, or chief executive officer thereof. In case of emergency, quarantine may be proclaimed by said officers without such recommendation, subject, however, to approval, modification, or withdrawal by the board of health of the county.

749. *County, or municipal, quarantine enforced by county board of health.*—When quarantine has been proclaimed for a county, incorporated city or town, in accordance with the provisions of this article, its enforcement shall be entrusted to the health officer of the county, city, or town, respectively, the administration of any one, or all, of whom shall be subject to the approval of the board of health of the county.

750. *Quarantine against part of county.*—When a contagious or infectious disease or quarantinable nature exists in a part of a county, the remainder of the county and any incorporated city, or town therein, may establish quarantine

against the infected portion, or portions, of the county in accordance with the following provisions: If a majority of the committee of public health, acting for the board of health of the county, resides in the uninfected portion of the county, such majority shall have the powers of the full committee, as defined in the preceding sections of this article. If, however, a majority of the said committee reside in the infected portion of the county, then, said committee can no longer act, and in that event the uninfected portion of the county may establish quarantine as follows: The judge of probate, the president, or any two members of the board of commissioners, or of revenue, if they, or either, reside in the uninfected portion of the county, may issue in the order named and upon the recommendation of the county health officer, in case he resides in the uninfected portion of the county, or in default of such residence, or on account of his absence from the county, then, without such recommendation, a proclamation of quarantine against the infected portions of the county, subject to approval, or modification, by the state board of health. Likewise, the mayor or chief executive officer of any incorporated city or town in the uninfected portion of the county, may issue, on the recommendation of the health officer of his city, or town, or in the absence of such officer, then without such recommendation, a proclamation of quarantine against the infected portion of the county, subject to approval or modification by the state board of health.

751. *Enforcement of quarantine against part of county.*—A proclamation of quarantine issued in accordance with the provisions of the foregoing section by the judge of probate, the president, or any two members, of the board of commissioners, or of revenue, for the protection of a portion of a county shall be enforced by the health officer of the county, provided that he resides in the uninfected portion of the county, but in case he does not so reside, or in the event of his absence or disability, then such proclamation shall be enforced in such way as the officer issuing the same may direct. A proclamation of quarantine issued by the mayor or chief executive officer of any incorporated city or town, in accordance with the provisions of the foregoing section, shall be enforced by the health officer of the city or town, and in case of his absence or disability, then in such way as the officer issuing the proclamation may direct.

752. *Expense of enforcing quarantine; how paid.*—The expense of enforcing any quarantine for a county, or for a portion thereof, as provided for in the preceding sections, shall be defrayed by the court of county commissioners or of revenue of the county; that incurred in conducting a quarantine for an incorporated city or town shall be defrayed by the authorities of the city or town declaring quarantine.

753. *Escapes from quarantine.*—Should a person who has been legally placed in detention by a quarantine officer attempt to make his escape, such person may be forcibly detained; or, should such person make his escape, complaint on oath may be made before the judge of probate, or a justice of the peace, by the officer in charge, or by one of his assistant officers, whereupon, such judge of probate, or justice of the peace, shall issue his warrant, authorizing a sheriff, bonded constable, or other lawful officer, to arrest and deliver such person into the custody of the quarantine officer in charge of the place of detention.

754. *Quarantine, when declared, reported to state health officer.*—Every quarantine declared or established by the authority of any county, incorporated city or town, in this state, together with the regulations prescribed thereunder, shall forthwith be reported to the state health officer by the health officer of the county, city, or town establishing, or conducting, such quarantine.

755. *Rights of quarantine officers to board trains, steamboats, etc., and to ride thereon free of charge.*—Written authority to act as quarantine officer for this state, or for any county, incorporated city or town therein conducting a quarantine approved by the executive officer of the state board of health, shall entitle the holder thereof to board any railroad train—passenger or freight—and any steamboat or other water craft in this state, and ride thereon, free of cost, to such place or places as the discharge of his duties may demand.

756. *Appropriations for quarantine purposes.*—The sum of twenty thousand dollars, or so much thereof as may be necessary, is annually appropriated to defray the expenses that may arise under the operation of this article, the said appropriation, or any part thereof, to be paid by the state treasurer on warrants issued by the state auditor, these to be based on requisitions signed by the state health officer and approved by the governor. The state board of health shall annually make to the governor a report by items of all expenditures incurred under this article.

7055. *Failure of health officer, or probate judge of Escambia county to report yellow fever in Florida.*—If the health officer, or probate judge, of the county of Escambia has good cause or suspicion to believe that yellow fever exists in either of the counties of Santa Rosa, or Escambia, in the State of Florida, and fails to report the same to the governor of this state, he must, on conviction, be fined not less than five hundred dollars.

7056. *Failure of judge of probate to act upon notice of governor.*—If the judge of probate of Escambia county, upon being notified by the governor of this state that there is good cause for suspicion or belief that yellow fever exists in either, or both, of the counties of Santa Rosa, or Escambia, in the State of Florida, fails to take such steps as he is by law authorized to take to prevent the introduction, or spread, of contagious or infectious diseases, or to establish such hospitals, or to appoint such guards, as are necessary and suitable for that purpose, he must, on conviction, be fined not less than five hundred dollars.

7057. *Penalty for violation of quarantine regulations of ships and vessels.*—Any person who violates the regulations prescribed by the corporate authorities of any town or city, or by the court of county commissioners of any county, in relation to vessels arriving in the harbor, or in the vicinity of such town or city, after notice thereof has been given for five days in some newspaper printed in such town or city, or when there is none, by notice posted up at some public place therein for the same length of time, must, on conviction, be fined not less than fifty dollars.

7058. *To punish violation of health laws.*—Any person who violates any of the health, or quarantine, laws, except those for which a special penalty is prescribed, shall be guilty of a misdemeanor, and, on conviction, shall be punished as provided for in section 7622 of the criminal Code.

7059. *Refusal of information to health officer; penalty.*—Any master, seaman, or passenger, belonging to any vessel which has, or is believed to have, infection on board, or coming from a port where a dangerous infectious disease prevails, who refuses to answer on oath inquiries relating to such infectious disease as are made by any health officer must, on conviction, be fined not less than one hundred dollars.

7060. *Breach of quarantine; penalty.*—The master of any vessel, ordered to perform quarantine, shall deliver to the officer appointed to see it performed his bill of health, manifest, logbook, and journal; if he fails so to do, or to repair, in proper time after notice, to the quarantine ground, or departs therefrom without authority, he must, on conviction, be fined not less than two hundred dollars.

7061. *Travelers from infected district compelled to perform quarantine; breach and penalty.*—Any person coming into a city or town by land from a place infected with a contagious disease may be required by the health officer of such city or town to perform quarantine, and restrained from traveling until discharged; and any person thus restrained traveling before he is discharged, must, on conviction, be fined not less than one hundred dollars.

7062. *Disposition of fines.*—All fines recovered under the three preceding sections must be paid into the city or town treasury.

7063. *Removing vessel from quarantine.*—Any master, or other person, in charge of a vessel undergoing quarantine who shall remove or take, or who shall aid in removing or taking, such vessel from quarantine before she is given pratique, is guilty of a misdemeanor, and must, on conviction, be punished accordingly.

7064. *Interfering with state quarantine officer or guard, penalty for.*—Any person who willfully interferes with any state quarantine officer, or guard, when in the discharge of his duty, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than fifty nor more than one hundred dollars for each offense.

7065. *Making false affidavit before quarantine officer, penalty for.*—Any quarantine officer, or guard, or other person, who violates the provisions of section 747 of this Code, shall be guilty of a misdemeanor, and, on conviction shall be fined not less than fifty nor more than one hundred dollars for each offense.

7066. *Health officer failing to report quarantine to state health officer, penalty for.*—Any health officer failing, or refusing, to report declaration of quarantine to state health officer as required by section 754 of this Code shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than fifty nor more than one hundred dollars for each offense.

7067. *Conductor of train refusing to allow quarantine officer to ride on train free of charge, penalty.*—Any conductor of a railroad train—passenger or freight—or captain, or other officer, of a steamboat or other water craft in this state who refuses to allow a quarantine officer to ride on train, steamboat, or other water craft, free of charge, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than fifty nor more than one hundred dollars for each offense.

7068. *Transportation in violation of provisions of quarantine law of this state.*—Any person, conductor, captain, agent, or manager, operating either for himself, or for a corporation, a railroad, steamboat, or other conveyance for the transportation of passengers or freight, who shall knowingly transport any person, or thing, in violation of the provisions of article 3, chapter 22 of this Code, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than one hundred nor more than five hundred dollars.

7069. *Quarantine officer or guard intimidating people, penalty for.*—Any quarantine officer, or guard, or person assuming to act as such, who uses any violence, or displays a deadly weapon, for the purpose of intimidating people, and thus enforcing compliance with his orders, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than one hundred nor more than two hundred dollars for each offense.

7070. *Quarantine officer or guard may arrest without warrant.*—Any legal quarantine officer, or guard, may, without warrant, arrest a person who attempts to violate a quarantine regulation, and carry such person either to a designated place of detention, or before an officer having jurisdiction of such offenses.

7071. *False swearing as to quarantine laws.*—Any person who willfully swears or affirms falsely in regard to any material matter or thing involved in an oath or affirmation authorized by the quarantine laws of this state, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than one hundred, nor more than five hundred, dollars for each offense, and may also be imprisoned in the county jail for not more than six months.

7072. *Resisting arrest by quarantine officer, penalty for.*—Any person who knowingly and willfully resists arrest by any quarantine officer, or guard, shall be guilty of a misdemeanor, and on conviction shall be fined not less than one hundred nor more than two hundred dollars for each offense.

7073. *Penalty for violating health and quarantine laws.*—Any person violating any of the provisions of article 1 of chapter 22 of this Code, relating to the health laws, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than five nor more than one hundred dollars, unless otherwise expressly provided for.

ALASKA.

[Acts of 1913, ch. 42.]

SECTION 1. *Commissioner of health.*—For the proper enforcement of this act, and until other provisions are made by the legislature, the governor of Alaska shall be ex officio commissioner of health of the Territory.

SEC. 2. *Assistant commissioners of health.*—The commissioner of health shall designate or appoint as his accredited representative one physician in each judicial division as assistant commissioner of health. Sad assistant commissioner of health hall be a physician in good standing and licensed to practice medicine in the Territory of Alaska; he shall serve until his successor has been appointed.

SEC. 3. *Powers and duties of the commissioner.*—The commissioner of health shall have general supervision of the interests of the health and life of the citizens of the Territory. He shall have power: (1) To make and enforce such quarantine regulations as seem best for the preservation of the public health, and for the prevention and against the spread of contagious and infectious diseases. (2) To establish quarantine and isolate any person affected with any one of the diseases mentioned in section 6 of this act. (3) To remove, or cause to be removed, any dead, decaying, or putrid body, rubbish, garbage, or other substance that may endanger the health of persons. (4) To disinfect houses, rooms, property, places, or localities, persons and other things, whenever in his judgment such action shall be deemed necessary to protect or preserve the public health; and he may destroy or cause to be destroyed bedding, carpets, household goods, furnishings, and other material when in his judgment such are an imminent danger to the public health. (5) He shall when necessary advise with and consult officers of the Government on matters pertaining to sanitation and hygiene. (6) He shall prepare forms of returns, and such instructions as may be necessary, and shall supply the same to assist commissioners of health, boards of health, physicians, and such official as may be necessary, in order to obtain accurate statistics of the occurrence of communicable diseases in the Territory as specified in section 12 of this act; such information shall be compiled, tabulated, and published every quarter.

SEC. 4. *Duties and powers of assistant commissioners of health.*—Assistant commissioners of health shall have power and authority within their repective divisions, subject to the supervising control of the commissioner of health, to do and perform all the things mentioned in section 3, subdivisions 1, 2, 3, and 4 of this act. (2) They shall have supervision over the local boards of health

in their respective divisions. (3) They shall forward to the commissioner of health monthly reports of the communicable diseases occurring in their respective divisions as reported to them by physicians and others in accordance with section 12 of this act.

SEC. 6. *Communicable diseases defined.*—For the purpose of this act persons or articles that have been infected with or exposed to the contagion or infection of plague, cholera, smallpox, yellow fever, typhus fever, leprosy, typhoid fever, scarlet fever, measles, diphtheria, infantile parlysis, cerebrospinal meningitis, erysipelas, whooping cough, glanders, and mumps shall be considered as capable of conveying contagious or infectious disease, and shall be subject to this act as hereinafter provided. All cases of pulmonary tuberculosis and trachoma, where the usual precautions to prevent the spread of the disease to others are willfully neglected and where other persons are liable to become infected on account of this negligence shall also be considered as capable of conveying contagious or infectious diseases.

SEC. 7. *Communicable diseases, notification of.*—Whenever any physician or nurse is called to treat any person suffering with any of the diseases mentioned in section 6 of this act, he or she shall isolate the case and immediately notify the local board of health.

SEC. 8. *Notification by the laity.*—Whenever any person knows or has reason to believe that any member of his family or household (boarder, roomer, or visitor) has any disease mentioned in section 6 of this act, he shall within 24 hours, if no physician is available, give notice thereof to the local board of health in the health district in which he resides. Such notice shall be given either verbally to one of the members of said board, or by a communication addressed to the board of health and duly mailed within the time specified.

SEC. 9. *Quarantine.*—The board of health upon receipt of the report of the existence of any of the diseases mentioned in section 6 of this act shall immediately investigate the case and if such disease shall isolate the patient, and if necessary, shall quarantine the house, rooms, or premises and take any other precautions needed to prevent the spread of the disease.

SEC. 10. *Placarding.*—Whenever a house, apartment, room, or premises are placed under quarantine, a placard shall be posted in a conspicuous place, giving the name of the disease and also containing the following quarantine order: "All persons are strictly forbidden to enter or leave these premises or to remove this notice without permission or orders from the board of health."

SEC. 11. *Disinfection.*—Upon the death, recovery, or removal of the person sick with any disease mentioned in section six of this act, the room in which said person was confined and such rooms as, in the opinion of the board of health, have been contaminated shall be cleansed and disinfected under the supervision of the board of health, the placard removed, and the quarantine released. The isolation, disinfection, and other preventive measures shall be performed as nearly as practicable according to methods indorsed and practiced by the United States Public Health Service as described in Public Health Bulletin No. 42, entitled, "Disinfectants, their use and application in the prevention of communicable diseases."

SEC. 12. *Diseases to be recorded.*—Every physician in the Territory of Alaska who shall prescribe for, or attend any person having smallpox, plague, yellow fever, cholera, typhus fever, leprosy, typhoid fever, scarlet fever, measles, chicken pox, diphtheria, infantile paralysis, cerebrospinal meningitis, erysipelas, whooping cough, glanders, mumps, tuberculosis in any form, or trachoma, shall, within 24 hours after first discovering the existence of such disease, make a report thereon in writing, to the assistant commissioner of health of

the division in which the case appears, upon a blank form to be furnished by the commissioner of health in accordance with subdivision 6, of section 3 of this act; which report shall give the name, age, nativity, residence, date of attack, color, and the sex of the person having such disease, together with the character of the disease.

SEC. 13. *Communicable diseases in schools, etc.*—No child or person infected with any of the diseases in section 6, or any person residing in the same house in which any person may be located who is infected with any of the aforesaid diseases unless permitted by the health officer, shall be permitted to attend any public, private, parochial, Sunday or other school, church, factory, or any other place of assembly in the Territory; and health officers and persons in charge of such schools, etc., are hereby required to exclude any and all children and persons from such places; such exclusion shall continue until complete recovery of the person afflicted or until the health officer decides that the danger of infecting others no longer exists.

SEC. 14. *Penalty.*—Any person who interferes with a health officer in the performance of his duties, or any person who breaks quarantine or removes any placard without the permission of the board of health, and any person who knowingly violates any of the provisions of this act or any regulations or orders established or made by authority of this act unless it can be demonstrated to the satisfaction of the board of health that such compliance was an impossibility, shall upon conviction thereof be punished for each offense by a fine of not more than $100, or by imprisonment not more than 50 days, or by both fine and imprisonment, and it is hereby made the duty of all United States marshals and their deputies as ex officio constables to assist in the enforcement of this act.

SEC. 15. *Expenses.*—Any necessary expenses incurred by any health officer or local board of health in the enforcement of this act outside of incorporated towns shall be paid, upon approval by the district judge, from funds derived from fines and forfeitures in the Territory of Alaska.

Criminal Code, 1899. (30, Statutes, 1253.)

SEC. 162. *Smallpox inoculation.*—If any person shall inoculate himself or suffer himself to be inoculated, or shall inoculate another, with the smallpox or any other malignant or infectious disease, within said District, or, being so inoculated, shall come within said District with the intent to cause the prevalence or spread of such disease within said District, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than one year nor more than three years.

ARIZONA.

[Acts of 1903, ch. 65.]

SEC. 4. *Powers; state board of health.*—The board (state board of health shall have power, and it shall be its duty:

3. To make and enforce all needful rules and regulations for the prevention and cure, and to prevent the spread of any contagious, infectious or malarial diseases among persons and domestic animals.

4. To establish quarantine, and isolate any person affected with any contagious or infectious or epidemic and endemic disease.

5. To isolate, kill or remove any animal affected with contagious or infectious disease, when necessary to protect public health.

9. To empower and direct the Superintendent of Public Health to do or cause to be done any and all of the things mentioned in subdivisions 4, 5, * * * of this section.

SEC. 9. *County boards of health.*—The several county boards of health shall have power within their respective counties, outside the corporate limits of cities having a city board of health, subject to the supervisory control of the Territorial board of health and the superintendent of public health, to do and perform all the things mentioned in subdivisions 4, 5, * * * of section 4. * * *

SEC. 12. *Biennial report.*—The superintendent of public health shall, on the 1st day of December of each even-numbered year, make a full report to the governor, which report shall show all that has been done by the Territorial board of health and by such superintendent during the two years preceding the making of such report, the number of cases treated by him in each county by the superintendent, the character and extent during such time of all contagious and infectious diseases, that have been reported to him, all expenditures of the Territorial board, and in each of the organized counties by the county board, and such recommendations as he may deem advisable for the better protection of the public health and the prevention and cure of contagious or infectious diseases of persons.

SEC. 10. *County health officer.*—The county superintendent of public health shall have charge of and superintend, subject to the approval of the board of which he is a member, and the supervisory control of the territorial board of health and the superintendent of public health, all the matters and things mentioned in subdivision 4 of section 4, within his county.

SEC. 7. *Reporting of disease.*— * * * The county superintendent of health * * * shall, whenever the health of persons is in danger, and when any contagious and infectious disease occurs in his county among persons, immediately report the same to the superintendent of public health.

SEC. 9. *Jurisdiction.*—The several county boards of health shall have power within their respective counties, outside of the corporate limits of cities having a city board of health, subject to the supervisory control of the territorial board of health and the superintendent of public health, to do and perform all the things mentioned in subdivisions 3, 4, 5, 6, 7, and 8 of section 4. All expenses actually and necessarily incurred by the county board of health in carrying out the provisions of this article shall be audited by the board and certified to the county supervisors, and shall be paid the same as other county expenses are paid.

SEC. 11 (as amended by chap. 47, Acts of 1905). *Expenses.*—The county superintendent of health shall also receive such other sum as he may necessarily pay or become liable to pay in carrying out and performing the various duties imposed upon him under the provisions of this section or by the county board of health: *Provided, however*, That the board of supervisors shall not be obliged to pay out any sums for carrying out and performing the various duties of the county superintendent of health unless the same is directed to be done by the board of health, and that all such accounts for services, mileage, and other expenses shall be audited by the board and certified to the board of county supervisors and paid as any other county expenses are paid.

[Acts of 1909, Ch. 76.]

SEC. 19. *Naming communicable diseases.*—He (the secretary of the territorial board of health) shall inform all registrars what diseases are to be considered as infectious, contagious, or communicable and dangerous to the public health, as decided by the territorial board of health, in order that when deaths occur from such diseases proper precautions may be taken to prevent the spreading of dangerous diseases.

[Civil Code of 1901.]

SEC. 545. *Powers, municipalities.*—The common council of every such town shall * * * have power within the limits of the town:

Twenty-sixth. To provide regulations to prevent the introduction or spread of contagious, loathsome or infectious diseases within the town; to make quarantine laws and enforce the same within the town, and in all places within two miles thereof; and to provide the posthouses and hospitals necessary therefor.

Twenty-eighth. To do all other acts, and prescribe all other regulations, which may be necessary or expedient for the prevention or suppression of disease.

SEC. 716. The city council shall have * * * power within the jurisdiction of said city, by ordinances:

Twenty-eighth. To make regulations to prevent the introduction or spread of contagious diseases into the city; to make quarantine laws for that purpose and enforce the same.

Fifty-sixth. To erect and establish, within or without the limits of said city, one or more pesthouses, hospitals, or dispensaries, and purchase grounds therefor, and control and regulate the same, and to remove any person or persons who have a contagious, loathsome or infectious disease to said pesthouse, hospitals or dispensaries.

Seventy-second. The council shall have the power to do all other acts necessary for the * * * health * * * of the city.

[Acts of 1903, Ch. 65.]

SECTION 24. *Reports by physicians.*—Whenever it shall come to the knowledge of any physician or other person that a contagious, epidemic or infectious disease exists within the jurisdiction of any local Board, he shall immediately report to such Board in writing the name and place of residence, if known, of every person afflicted with such disease, and if he is the attending physician of such person he shall report not less than twice in each week the condition of each person so afflicted and the state of such disease.

SECTION 25. It shall be the duty of each practicing physician in this Territory to report in writing to the local Board of Health the death of each of his patients who shall have died, within the jurisdiction of such Board, of any contagious, infectious or epidemic disease. Such report shall be made within twenty-four hours after such death, and shall state the specific name and character of such disease.

SECTION 26. *Reports by householders, etc.*—Each keeper of any private house, boarding house, lodging house, inn or hotel shall report, in writing, to the local Board of Health within whose jurisdiction the same may occur, each case of contagious, infectious or epidemic disease which may occur in his house, inn or hotel; such report shall be made within twenty-four hours after the existence of such disease shall have become known to such person, and shall state the name of each person afflicted with such disease and the nature thereof.

SECTION 27. *Removal.*—No person shall, without a permit from the Local or Territorial Board of Health, carry or cause to be removed from without this Territory, to this Territory, or from one building to another within this Territory, or from or to any car or vessel, any person afflicted with any contagious, infectious or epidemic disease, or the body of any person who dies of such disease.

SECTION 29. *Attendance at school.*—No principal, superintendent or teacher of any school, and no parent or guardian of any minor child shall permit any child having scarlet fever, diphtheria, smallpox, whooping cough, measles or any other dangerous, infectious or contagious disease, or any child residing in any house in which such disease exists, or has recently existed, to attend any public or private school until the local Board of Health shall have given permission therefor.

SECTION 31. *Quarantine.*—It shall be the duty of each local Board of Health, when it shall come to its knowledge that a case of smallpox, scarlet fever, diphtheria, or other infectious or contagious disease exists within its jurisdiction, immediately to examine into the facts of the case, and if such disease appears to be of the character herein specified such Board shall adopt such quarantine and sanitary measures as in its judgment tend to prevent the spread of such disease, and may immediately cause any person infected with such disease to be removed to a separate house, if, in the opinion of the Health Officer or Superintendent of Public Health, such person can be removed without danger to his health, and if such infected person cannot be removed without danger to his health, the local Board shall make such quarantine regulations as is deemed proper with reference to the house within which such infected person is, and in such cases may cause the persons in the neighborhood to be removed, and take such other measures as it deems necessary for the safety of the inhabitants, and shall immediately notify the Territorial Board of Health of the existence and nature of such disease, and of the measure adopted by it with reference thereto.

SECTION 32. *Hospitals.*—Each local Board of Health may provide such temporary hospital or place of reception for persons afflicted with infectious or contagious diseases as it judges best for their accommodation and the safety of the inhabitants, and all such hospitals and all private houses or other places in which exists any infectious or contagious disease shall, during the existence of such disease, be under the control and subject to the regulations of the local Board of Health, and all the inmates of such house or other place, during the existence of such disease therein, must conform to the regulations and obey the instructions of such local Board with reference thereto.

SECTION 33. *Disinfection.*—Any local Board of Health may cause to be destroyed any bed or bedding, clothing, carpets or other articles which have been exposed to infection from such infectious or contagious disease, and may allow reasonable compensation for the same, or may provide a proper place, with all necessary apparatus and attendants, for the disinfection of such articles and cause all such articles to be disinfected thereby, and may provide a carriage for the conveyance of such articles or of persons suffering from such contagious or infectious diseases.

SECTION 34. *Expenses.*—Local Boards of Health may employ such persons as may be necessary to carry into effect the provisions of this article and the regulations established by them, and such physicians as they deem necessary, and provide such necessaries of life as in their judgment shall be needed for the maintenance, welfare and comfort of persons afflicted with contagious or infectious diseases. All expenses incurred by any local Board of Health in carrying into effect the provisions of this article, and in providing for the care and maintenance of such sick persons, and all expenses incurred under any of the provisions of this section shall be audited and allowed by the Board incurring the same; such expenses, in case of City Board of Health, shall be certified to by the City Auditor and paid out of the general fund of the city, and, in case of County Boards of Health, shall be certified to the County Board

of Supervisors and paid out of the general fund of the county; all expenses incurred by such Boards of Health for the care, medical attendance or support of any such sick person shall be a charge upon such person and upon the person legally chargeable with the support of such person (except where persons are unable to pay, then such expenses shall be chargeable to the county in which such person resides), and may be collected by suit in the name of the county or city which shall have incurred such expense; provided, that if a physician is called at the instance of such local Board of Health to attend a person infected with a contagious or infectious disease, it shall be at the expense of such city or county.

SECTION 35. *Penalty.*—Any person who willfully secrets himself or others known to have a contagious or infectious disease, or any Health Officer, Superintendent of Public Health or any member of any local Board of Health who shall neglect or refuse to perform any of the duties required to be performed by him under the provisions of this Act, and any person who fails to comply with or violates any of the provisions of this Act or neglects or refuses to conform to any rule, regulations or measures adopted by the local Board of Health within whose jurisdiction he shall at the time be, and which shall have been published or shall have come to his knowledge, or refuses or neglects promptly to obey any orders, directions or instructions given to him by such Board of Health, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten nor more than fifty dollars, or by imprisonment in the county jail not exceeding thirty days, or by both.

[Civil code of 1901.]

SEC. 4028. *Isolation.*—When any person residing or being in any county, city or village within this territory, shall be afflicted with smallpox or any other contagious or infectious disease dangerous to the public health, it shall be the duty of every constable, justice of the peace, sheriff, or deputy sheriff, when notified of such fact by a legally practicing physician who will give to such officer a certificate setting forth the condition of the person to be removed, to immediately cause said person to be removed to a separate house if the place where he or she may be is such as to endanger the health of others, and any such officer may cause the persons in the neighborhood to be removed and may take such other measures as such officer may deem necessary for the safety of the inhabitants; and in either case, such officer shall provide for the person so afflicted, as aforesaid, and the necessary expense shall be a charge to the person or persons so taken care of, or against any other person who may be liable for such person's support: *Provided*, That in case any persons who have contagious disease may remain in their own premises by paying all expenses of a quarantine of the premises where such patient is; but said quarantine must be under the direction of the officer having charge of the case and the legally practicing physician giving the certificate. Such officer shall also provide the necessary quarantine of the building or place wherever it can be done without danger to his or their health, and if such person cannot be removed without danger to his or her health, such officer shall at once make provision for him or her in the house where he or she may be. And it shall be the duty of such officer as soon as practicable after he has taken charge of the person so afflicted, to at once report to the board of supervisors of his county, if such person be without an incorporated village or city, but if such person be within the limits of an incorporated village or city, then he shall forthwith report to the mayor and common council, or other proper board, the condition of such person and his acts and doings in relation thereto; and thereupon the board of

supervisors or other proper board, as the case may be, shall provide by ordinance or resolution for the custody and care of any person so afflicted as aforesaid; and in case the person so afflicted is a poor person and unable to pay the expenses of his or her care and treatment, during such affliction, then such expense shall be audited and allowed by the county board of supervisors or other proper board, and the amount so allowed be paid out of the general fund of the county, village or city, as the case may be.

SEC. 4029. *Exposure in public.*—Every person who wilfully exposes himself or another afflicted with any contagious or infectious disease in any public place or thoroughfare, except in his necessary removal in a manner least dangerous to the public health, or who shall refuse to obey any order of any officer mentioned as hereinbefore provided, shall be deemed guilty of a misdemeanor.

SEC. 4030. *Penalty.*—Any officer mentioned in section 1 of this title (section 4028) who shall refuse, when notified, to take charge and provide for any person afflicted with any contagious or infectious disease dangerous to the public health, shall be deemed guilty of a misdemeanor.

SEC. 4031. *Power, county authorities.*—That hereafter the respective boards of supervisors in the counties of this territory, shall have authority to regulate quarantine against smallpox, yellow fever, bubonic plague, or any other infectious or contagious diseases, and shall provide all regulations for isolation, care and transportation of any one so affected: *Provided*, That if the boards of supervisors assume the responsibility specified in this section of this act, the county shall be solely responsible for all expenses incurred in carrying out the provisions herein specified.

[Penal code of 1901.]

SEC. 359. *Public exposure.*—Every person who wilfully exposes himself or another afflicted with any contagious or infectious disease in any public place or thoroughfare, except in his necessary removal in a manner the least dangerous to the public health, is guilty of a misdemeanor.

ARKANSAS.

[Act No. 96, 1913.]

SEC. 5. *Powers, state board of health.*—The State board of health shall have general supervision and control of all matters pertaining to the health of the citizens of this State. It shall make a study of the causes and prevention of infectious, contagious, and communicable diseases, and, except as otherwise provided for in this act, shall have direction and control of all matters of quarantine regulations and enforcement, and shall have full power and authority to prevent the entrance of such diseases from points without the State, and shall have direction and control over all sanitary and quarantine measures for dealing with all such diseases within the State, and to suppress the same and prevent their spread.

SEC. 6. *Rules.*—Power is hereby conferred on the Arkansas State Board of Health to make all necessary and reasonable rules and regulations for the protection of the public health, and for the general amelioration of the sanitary and hygienic conditions within the State, for the suppression and prevention of infectious, contagious, and communicable diseases, and for the proper enforcement of quarantine, isolation, and control of such diseases: *Provided, however*, That where a patient can be treated with reasonable safety to the public health, he shall not be removed from his home without his consent, or the consent of the parents or guardian in case of a minor, and said rules and regulations,

when so made, shall be printed in pamphlet form, with such numbers of copies as may be necessary for the distribution for information of health bodies, health and sanitary officers, and the public generally. But the State board of health shall not regulate the practice of medicine or healing, nor interfere with the right of any citizen to employ the practitioner of his choice.

SEC. 13. *County health officer.*— * * * Each county health officer shall perform such duties as have heretofore been required of county physicians with relation to caring for the prisoners in county jails, and in the caring for the inmates of county poor farms, hospitals, discharging the duties of county quarantine, and such other duties as have been lawfully required of the county physician, and shall perform such duties as may be prescribed for him under the rules, regulations, and requirements of the Arkansas State Board of Health. He shall also be required to aid and assist the State board of health in all matters of local quarantine, inspection, prevention and suppression of disease, vital and mortuary statistics, and general sanitation within his county, and make such reports to the State board of health as shall be demanded of him. * * *

SEC. 19. *City health officer.*—Each city health officer shall perform such duties as may now or hereafter be required by the city councils and ordinances of city physicians and such duties as may be required of him by general law and city ordinances with regard to the general health and sanitation of towns and cities, and perform such other duties as shall be legally required of him by the mayor, councils, or the ordinances of his city or town. He shall, in addition thereto, discharge and perform such duties as may be prescribed for him under the directions, rules, regulations, and requirements of the State board of health. He shall be required to aid and assist the State board of health in all matters of quarantine, vital and mortuary statistics, inspection, disease prevention and suppression, and sanitation within his jurisdiction. He shall at all times report to the State board of health in such manner and form as shall be prescribed by said board of health the presence of all contagious, infectious, and dangerous epidemic diseases within his jurisdiction, and shall make such other and further reports in such manner and form and at such times as said State board of health shall direct, touching all such matters as may be proper for the State board of health to direct, and he shall aid said State board of health at all times in the enforcement of proper rules, regulations, and requirements in the enforcement of all sanitay laws, quarantine regulations, and vital statistics collections, and perform such other duties as said State board of health shall direct.

SEC. 21. *Laboratory.*—The State board of health shall establish, equip, and maintain a hygienic laboratory, which shall be used for making analyses of foods and drugs, for the purpose of enforcing pure food and drug laws, and for making investigations of cases and suspected cases of malaria, diphtheria, typhoid fever, tuberculosis, epidemic cerebrospinal meningitis, glanders, hookworm disease, rabies, and other infectious, contagious, and communicable diseases. All investigations conducted in the said laboratory shall be free to the people of this State. The said hygienic laboratory shall be established and maintained at the medical department of the University of Arkansas, in connection with the regular department of chemistry and the department of bacteriology, and said hygienic laboratory of the State board of health shall be under the direct supervision of the secretary of the State board of health or his authorized assistants.

SEC. 22. *Expenses.*—All expenses legally and necessary incurred for the work of protecting the public health outside of cities and towns shall be paid by the

county in which the expense is incurred; such claims shall be allowed by the county court when proved as other claims against a county are required by law to be proved. From the judgment of the county court upon any such claim the claimant or any taxpayer of the county may appeal to the circuit court, and thence to the supreme court, but every claim must be approved by the county health officer before allowance, and the expense legally incurred for the protection of public health inside corporate limits of cities and towns shall be paid out of the treasury of the cities and towns in which the work is done. *Provided*, That all of their expenditures made by representatives of the State board of health and chargeable under the provisions of this act to any county, city, or town, shall be made only with the advice and consent of the county judge of any said county, or of the mayor and town council in any incorporated town.

SEC. 25. *Assistant health officer.*—The State board of health may appoint and employ an assistant State health officer * * * whose duty it shall be to assist the secretary of the board in a general supervision in the affairs of his office, and in the enforcement of quarantine and sanitation throughout the State.

SEC. 26. *Assistants.*—The State board of health is hereby authorized to employ such clerical assistants as may be required to faithfully and efficiently discharge all the duties pertaining to the business of the board.

SEC. 28. *Penalty.*—Every firm, person, or corporation violating any of the provisions of this act, or any of the orders, rules, or regulations made and promulgated in pursuance hereof shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $10 nor more than $100, or by imprisonment not exceeding one month, or both.

SEC. 29. *Report.*—It shall be the duty of the Arkansas State board of health to make an annual report, through its secretary, in writing, to the governor of this State on or before the 1st day of January of each year, and such report shall include * * * such information concerning vital and mortuary statistics, such knowledge respecting diseases, and such instructions on the subject of sanitation and hygiene as may be thought useful by the board for dissemination among the people, with such suggestions as to legislative action as it may deem necessary.

[Digest of 1904.]

SEC. 5525. *Power, city councils.*—The city council shall have power to establist a board of health, with jurisdiction for one mile beyond the city limits; and for quarantine purposes, in case of epidemic, five miles; to invest it with such powers and impose upon it such duties as shall be necessary to secure the city and the inhabitants thereof from the evils of contagious and malignant and infectious diseases; * * *.

CALIFORNIA.

[Deering's Political Code, 1909.]

SEC. 2979. *Powers and duties, State board of health.*—The State board of health shall examine into the causes of communicable diseases in man and domestic animals occurring or likely to occur in this State.

It may quarantine or isolate and inspect and disinfect persons, animals, property, and things of whatever nature, and houses, rooms, places, cities, or localities, whenever in the judgment of said board or pending its meeting, whenever in the judgment of its executive officer such action shall be deemed neces sary to protect or preserve the public health, and said board may destroy, or cause to be destroyed, bedding, carpets, household goods, furnishings and

materials, clothing, or animals, when in the judgment of said board or that of its executive officer such clothing, furnishings, bedding, goods, materials, or animals are an imminent menace to the public health.

It may establish and maintain places of quarantine or isolation.

* * * * * * *

It shall cause special investigation of the sources of mortality and the effects of localities, employments, conditions, and circumstances on the public health, * * *.

* * * * * * *

It shall have power to prepare or purchase and distribute at cost antitoxins, vaccine, and other approved serums and lymphs.

It shall maintain a bureau of vital statistics * * *. These statistics, together with the number of cases of communicable diseases and such further comparative statistics and information as may be deemed of value to scientists, the medical profession, the general public, and aid in the maintenance of good health conditions, may be published by the board in such manner and at such times as it may deem proper.

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* * * It may advise all local health authorities, and, when in its judgment the public health is menaced, it shall control and regulate their action.

It shall have general power of inspection, examination, quarantine, and disinfection of persons, places, and things within the State, and for the purpose of conducting the same may appoint inspectors, who, under the direction of the board, shall be vested with like powers: *Provided*, That this act shall in nowise conflict with the national quarantine laws.

It shall have power to commence and maintain all proper and necessary actions and proceedings to enforce its regulations, * * * to compel the performance of any act specifically enjoined upon any person, officer, or board, by any law of this State relating to the public health, and to protect and preserve the public health; also to defend all actions and proceedings involving its powers and duties; and in all such actions and proceedings it shall sue and be sued under the name of the State board of health.

It shall have power to adopt and enforce rules and regulations for the execution of its duties under this section.

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[Acts of 1905, chapter 223, as amended by chapter 154, acts of 1911.]

SECTION 1. *Hygienic laboratory.*—There shall be established and maintained at the University of California, at Berkeley, for the use of the State board of health, a State hygienic laboratory for bacteriological and chemical analysis, which shall be under the management and control of the State board of health; and branches of said laboratory may be established and maintained by said board from time to time, at such other places within the State of California as the said board may determine to be necessary for the protection of the public health.

[Acts of 1913, chapter 680.]

SECTION 1. The following sums of money are hereby appropriated * * * for the support of the government of the State of California for the sixty-fifth and sixty-sixth fiscal years:

STATE BOARD OF HEALTH.

* * * * * * *

For payment of fees for reporting and investigating occupational diseases, $2,000.

* * * * * * *

For traveling and contingent expenses of State board of health, $7,500.

For support of State hygienic laboratory for bacteriological work, State board of health, $20,000.

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[Deering's Political Code, 1909.]

SEC. 3059. *Boards of health for harbors.*—The board of supervisors of any county in which there is a port of entry or harbor, for which there is not otherwise provided health and quarantine regulations, may by an ordinance adopt the whole or any part of the provisions of Article III[1] of this chapter, * * * locate quarantine grounds when necessary, and provide for the enforcement of health and quarantine regulations.

SEC. 3060. *Boards of health for counties.*—In like manner the board of supervisors of any county in which there is an unincorporated city or town, for which there is not otherwise provided a board of health or health regulations in time of epidemics, or the existence of contagious or infectious diseases, may by an ordinance adopt for such city or town, in whole or in part, the provisions of Article IV[2] of this chapter, for some definite period of time; * * *.

SEC. 4225. *County health officer.*—They (the board of supervisors) shall appoint in each county, a health officer * * * whose duty it shall be to enforce and observe all orders and ordinances of the board of supervisors, pertaining to health and sanitary matters, all orders, quarantine regulations, and rules prescribed by the State board of health, and all statutes relating to the public health. * * *

* * * * * * *

The board of supervisors shall adopt orders and ordinances necessary for the preservation of the public health of the county, not in conflict with general laws, and provide for the payment of all expense incurred in enforcing the same.

For any unincorporated town, when public necessity requires such action, the board of supervisors may appoint a special health officer, who shall, in such town, under the supervision of the county health officer, exercise all necessary diligence in executing the ordinances, rules, and regulations of the board of supervisors, or the State board of health, relating to health and sanitary matters. * * *

SEC. 3061. *Municipal boards of health.*—It shall be the duty of the board of trustees, council, or other corresponding board of every incorporated town and city of this State, to establish, by ordinance, a board of health for such

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[1] Health and quarantine regulations for the city and harbor of San Francisco, providing for the creation of a board of health consisting of the mayor of the city and county, and four physicians appointed by the governor, and the appointment of a health officer by the board.

[2] Health and quarantine regulations for the city of Sacramento, authorizing the board of trustees to establish by ordinance a board of health consisting of five physicians and the president of the board of trustees, and empowering the board of health to appoint a health officer.

town or city, * * * Every local board of health established in this State must:

First. Supervise all matters pertaining to the sanitary condition of their town or city, and make such rules and regulations relative thereto as are necessary and proper, and not contrary to law.

Second. Report to the secretary of the State board of health, at Sacramento, at such times as the State board of health may require:

(*a*) The sanitary condition of their locality.

(*b*) The number of deaths, with the cause of each, as near as can be ascertained, within their jurisdiction during the preceding month.

(*c*) The presence of epidemic or other dangerous, contagious, or infectious disease, and such other matters, within their knowledge or jurisdiction, as the State board may require.

* * * * * * *

SEC. 3062. *Health officers for unincorporated towns.*—The board of supervisors of each county must appoint, in each unincorporated city or town of 500 or more inhabitants, a health officer, who has all the duties and powers of a board of health and health officer, as specified in this and the two preceding articles.

SEC. 3063. *Sanitary tax.*—All necessary expenses of enforcing this article are charges against the counties, cities, or towns, respectively, for the payment of which the county, city, or town, may levy a per capita tax of not exceeding $3, or a property tax of not exceeding one-fourth of 1 per cent yearly until the same is paid.

SEC. 4408. *Powers, cities.*—The common council has power:

18. To establish a board of health to prevent the introduction and spreading of disease, * * *.

SEC. 4041. *Special sanitary tax.*—The boards of supervisors, in their respective counties, shall have jurisdiction and power, under such limitations and restrictions as are prescribed by law—

* * * * * * *

35. To levy a special sanitary tax, not to exceed one-half mill on the $1 of assessed valuation, on all the property in such counties, outside of any incorporated city or town. Such tax shall be in addition to all taxes otherwise provided for, and the fund so created shall be used to prevent the introduction of dangerous, infectious, or communicable diseases and to eradicate them if introduced, and for the purpose of general sanitation.

SEC. 3064. *Compensation.*—The board of supervisors must * * * provide for the expenses of enforcing the provisions of this article. * * *

SEC. 2984. *Local officers to enforce rules.*—It shall be the duty of the board of health of each municipality and incorporated town within this State, and of every chief executive health officer thereof, where there is no municipal or town board of health, to enforce within such municipality and incorporated town all orders, rules, and regulations concerning health and quarantine, * * * and it shall be the duty of such board of health, or chief executive health officer, to report in writing to the State board of health, on or before the fifth day of each month, all infectious, contagious, and communicable diseases, in man or beast, which shall come to their or his knowledge, upon blanks furnished by the State board of health. Said board of health or chief executive health officer, where there is no board of health, in cases of local epidemic of disease shall report to the State board of health all facts concerning the disease and the measures taken to prevent or abate its spread, infection, or contagion. * * *

SEC. 11. *Health officers to enforce State laws and rules.*—It shall be the duty of every county, city and county, municipal, town, or other health officer or inspector to enforce diligently within the county, city and county, municipality, town, or district of which he is such health officer, all State laws pertaining to health and sanitary matters, and all orders, rules, and regulations concerning health, quarantine, and disinfection prescribed or directed by the State board of health, and all local ordinances, resolutions, orders, and regulations concerning health, of the board of supervisors, which shall not be in conflict with the general laws or the orders, rules, and regulations of the State board of health.

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Every county health officer, and every city and county, city, or town board of health, or chief executive health officer thereof, shall report in writing to the state board of health regularly on or before the fifth day of each month, and also whenever requested by the state board of health, or its secretary, all infectious, contagious and communicable diseases in man or beast which shall come to his knowledge, upon blanks furnished by the state board of health; and he shall, in cases of local epidemic of disease, report at such times as shall be requested by the state board of health, or its secretary, all facts concerning the disease, and the measures taken to abate and prevent its spread.

It shall also be the duty of every such county health officer, and every city, city and county, and town board of health or chief executive health officer thereof, in cases of epidemic, whenever quarantine is established, promptly to transmit to the secretary of the state board of health a true copy of all quarantine rules, orders and regulations adopted by the local health board or health officer, and of all subsequent changes or modifications in the matter of such quarantine and in such local rules, orders, and regulations; and every such board of health or chief executive health officer thereof, shall promptly report, in writing, to the secretary of the state board of health any changes that may occur in their offices, and the names and residences of all newly appointed or elected officers.

SEC. 12. *Quarantine on order of state board.*—Whenever in the judgment of the state board of health, or when said board is not in session, whenever in the judgment of the secretary of said board, such action shall be deemed necessary to protect or preserve the public health, every county health officer, and every city and county, city or town board of health, or chief executive health officer thereof, shall, when so directed by said state board of health or its secretary, quarantine and disinfect, as required by the general and special instructions of said state board or secretary within the jurisdiction of such local board of health or health officer, persons, animals and things of whatever nature, and houses, rooms, and places, and destroy, or cause to be destroyed, bedding, carpets, household goods, furnishings and materials, clothing or animals, when such property is, by said state board of health or its secretary, deemed an imminent menace to the public health, and when ordinary means of disinfection are deemed unsafe, and the board of supervisors, council or other governing body, where such destruction of property occurs, shall have power to make adequate provision and compensation in proper cases for those injured by such necessary destruction.

SEC. 13. (As amended by ch. 339, act of 1911.) *Quarantine rules.*—The following rules and requirements shall be strictly observed in all cases of quarantine, subject, however, to such changes and modifications as the state board of health, or its secretary may otherwise require and direct.

Rule 1. Quarantinable diseases.—Every county, city and county, city, or town board of health, or chief executive health officer thereof, upon receiving information of the existence of such diseases within its or his jurisdiction, must immediately quarantine each and every case of Asiatic cholera, yellow fever, typhus fever, plague, smallpox, scarlet fever, diphtheria, and such other contagious or infectious diseases as may from time to time be declared quarantinable, and in addition to their local rules and regulations shall follow all general and special rules, regulations, and orders of the state board of health, or its secretary.

Said health boards or officers must, within twenty-four hours after quarantine, report fully, in writing, to the secretary of the state board of health, all of such cases quarantined; *provided, however*, that said health officers shall immediately report by telegraph to said secretary of the state board of health every case discovered or known of plague, Asiatic cholera, yellow fever or typhus fever, and after investigation and within twenty-four hours shall report the cause, source and extent of contagion and infection, and all acts done and measures adopted in each case, and shall make such further reports as the secretary of the state board of health may require.

Rule 2. Reportable diseases.—In addition to the list of quarantinable diseases given in rule 1 of this section the following is a partial list of contagious, infectious and communicable diseases, all of which, though not required to be quarantined, must be properly reported in writing to the state board of health, or its secretary, by the said local health boards or chief executive health officers, viz.: chicken-pox, erysipelas, pneumonia, uncinariasis or hookworm, epidemic cerebro-spinal meningitis, trachoma, whooping-cough, mumps, dengue, dysentery, tuberculosis, typhoid fever, tetanus, malaria, leprosy, measles, German measles, glanders and anthrax affecting human beings, rabies, pellagra, beriberi, syphilis, gonococcus infection, and poliomyelitis, and any disease which appears to have become epidemic. The diseases last above enumerated, and such others as from time to time may be added thereto by the state board of health or its secretary, shall be quarantined whenever in the opinion of the state board of health, its secretary, or the local board of health or health officer, isolation is necessary to protect the public health. This list can be changed at any time by the state board of health or its secretary.

Rule 3. Placarding.—When any building, house, structure, or part thereof, or tent or other place, is quarantined because of a contagious, infectious or communicable disease, said local health boards or chief executive health officer shall cause to be firmly fastened, in the most conspicuous place upon such house, building, tent, or other place, a placard or flag, upon which is printed the name of the disease, in plain and legible letters of at least two and one half inches in length. This placard or flag must not be removed by any person except the health officer or his deputy, and in no case until the premises have been thoroughly disinfected.

Rule 4. Release of quarantine.—When persons quarantined in a house, building, structure, tent, or other place have recovered from the disease for which the quarantine is established, or when the quarantine is for exposure to a contagious, infectious or communicable disease, and the period of incubation designated has elapsed, the quarantine shall not be raised by order of the local board of health or local health officer until every exposed room, together with all bedding, clothing, and all other personal property contained therein, has been thoroughly disinfected, or if necessary, such personal property may be destroyed, by or under the direction of the health officer or his deputy; and until all persons quarantined shall have taken a thorough antiseptic bath and put on clothing free from contagion.

Rule 5. Obedience to quarantine rules.—Whenever quarantine is established by any local board of health or health officer to prevent the spread of any contagious, infectious, or communicable disease, it shall be the duty of all persons to obey the rules, orders and regulations of such health board or health officer.

Rule 6. Serving milk to infected premises.—No milkman shall take away any milk bottles or other receptacles for milk from any building, house, structure, tent, or other place, in which a contagious, infectious or communicable disease exists or has existed, nor from any place within any quarantined district, nor at any time after such quarantine has been removed, unless with the written permission of the local health officer, and after such milk bottles or receptacles have been disinfected and cleaned to the satisfaction of such officer.

Rule 7. Sale of milk.—Whenever there exists in the house of any milkman, milk dealer or milk distributor, any case of cholera, typhus fever, plague, scarlet fever, diphtheria, membranous croup, leprosy, anthrax, glanders, cerebro-spinal meningitis, whooping-cough, typhoid fever, dysentery, trachoma or tetanus, then it shall be unlawful for such milkman, milk dealer, or milk distributor, to continue the sale or distribution of milk until the local board of health or chief executive health officer has appointed at the expense of the county where such milkman, dealer or distributor lives, a person to superintend his cows, dairy or other place where such milk is sold, or from which it is delivered or distributed, and all cows, bottles, vessels and milk utensils. Such person so appointed by the local board of health, or chief executive officer, shall strictly require that all persons attending to the cows, dairy, sheds, milk cans, bottles, vessels and milk utensils shall not have access to the infected house, nor any communication with the persons who reside in such infected house, except with the permission and under the inspection of the local health officer.

Rule 8. Assistance to quarantined persons.—Every person subject to quarantine, residing or being in a quarantined building, house, structure or tent, shall not go beyond the lot upon which such building, house, structure or tent is situated, nor put himself in immediate communication with any person not subject to quarantine, other than the health officer and physician. The local board of health or local chief executive health officer maintaining a quarantine shall appoint, or cause to be appointed a suitable person to perform necessary outside services for the necessary wants of the persons quarantined. Such person so appointed shall never enter the building, house, structure, or tent nor come in personal contact with any of the persons quarantined, but shall receive orders and deliver answers verbally at a distance, and shall leave at the entrance of the building, house, structure or tent, or at such other place as may be designated by the health officer or deputy, all articles which he may have brought, and he shall strictly observe the orders of the local health officer.

SEC. 14. *Places of quarantine.*—Every county, city and county, city, and town board of health, or chief executive health officer thereof, whenever required by the state board of health, or its secretary, shall establish and maintain places of quarantine or isolation, which shall be subject to the special directions of said state board, or its secretary.

SEC. 15. *Quarantine of cities.*—No quarantine shall be established by one county, or city, city and county, or town, against another city, city and county, or town, without the written consent of the state board of health, or its secretary.

SEC. 16. *Physicians and others to report.*—All physicians, nurses, clergymen, attendants, owners, proprietors, managers, employees, and persons living in or

visiting any sick person in any hotel, lodging-house, house, building, office, structure, or other place where any person shall be ill of any infectious, contagious, or communicable disease, shall promptly report such fact to the county, city and county, city, or other local health board or health officer, together with the name of the person, if known, and place where such person is confined, and nature of the disease, if known.

SEC. 17. *School attendance.*—No instructor, teacher, pupil, or child affected with any contagious, infectious, or communicable disease which is or might be the subject of quarantine, or has been declared reportable, or who resides in any house, building, structure, tent, or other place where such disease exists or has recently existed, shall be permitted, by any superintendent, principal or teacher of any college, seminary, public or private school, to attend such college, seminary, or school, except by the written permission of the local health officer.

SECTION 21 (as amended by chapter 339, acts of 1911). *Penalty.*—Any person violating any of the provisions of this act, whether acting for himself, or as the agent or servant of another person, or of a firm, company or corporation, or as an officer, agent, employee or representative of any municipal corporation, or of the state shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five nor more than five hundred dollars, or by imprisonment for a term of not more than ninety days, or by both such fine and imprisonment. Each day that any violation of any provision of this act shall continue, and each day that any thing forbidden by the terms hereof to be erected, constructed, maintained, operated or permitted, shall continue to exist, or be maintained, operated or permitted, shall constitute a separate offense.

[Deering's Pol. Code, 1909.]

2979*a* (as amended by ch. 250, acts of 1911). *Reports.*—It is the duty of each coroner, and of every county, city and county, city or town health officer, and every member of the local board of health, knowing, or having reason to believe that any case of cholera, plague, yellow fever, leprosy, diphtheria, scarlet fever, smallpox, typhus fever, typhoid fever, anthrax, glanders, epidemic cerebro-spinal meningitis, tuberculosis, pneumonia, dysentery, erysipelas, uncinariasis or hookworm, trachoma, dengue, tetanus, measles, German measles, chickenpox, whooping cough, mumps, pellagra, beriberi, syphilis, gonococcus infection, rabies, poliomyelitis, or any other contagious or infectious disease exists, or has recently existed, within the city, county, city and county, town, or township of which he is such officer, to take such measures as may be necessary to prevent the spread of such disease, and to report at once in writing such cases to the secretary of the state board of health at Sacramento.

It is also the duty of every attending or consulting physician, nurse, or other person having charge of or caring for any person afflicted with any of said contagious diseases, to report at once in writing to the local board of health or local health officer the nature of the disease, the name of the person afflicted and the place of his or her confinement; provided, however, that syphilis and gonococcus infection shall be reported by office number only.

The state board of health, or its secretary, upon being informed of any such contagious or infectious disease, may thereupon take such measures as may be necessary to ascertain the nature of such disease and prevent the spread of such contagion, and to that end, said state board of health, or its secretary, may, if deemed proper, take possession or control of the body of any living

person, or the corpse of any deceased person, and may direct and take such means as may be deemed expedient to arrest or prevent the further spread of such disease.

[Acts of 1911, ch. 485.]

SECTION 1. *Occupational diseases.*—Every medical practitioner attending on or called in to visit a patient whom he believes to be suffering from lead, phosphorus, arsenic or mercury or their compounds, or from anthrax, or from compressed air illness, contracted as a result of the nature of the patient's employment, shall send to the state board of health a notice stating the name and full postal address and place of employment of the patient and the disease from which, in the opinion of the medical practitioner, the patient is suffering, and shall be entitled in respect of every bona fide notice sent in pursuance of this section to a fee of fifty cents, to be paid as part of the expense incurred by the state board of health in the execution of this act.

SEC. 2. If any medical practitioner, when required by this act to send a notice, wilfully fails forthwith to send the same, as provided by this act, he shall be guilty of a misdemeanor, and upon conviction of the same shall be fined not more than ten dollars.

SEC. 3. It shall be the duty of the state board of health to enforce the provisions of this act, and it may call upon local boards of health and health officers for assistance and it shall be the duty of all boards and officers so called upon for such assistance to render the same. It shall furthermore be the duty of said state board of health to transmit such data to the commissioner of the bureau of labor statistics.

[Acts of 1909, ch. 204.]

SECTION 1. *Rat proofing.*—It shall be and is hereby declared to be the duty of every person, firm, co-partnership, company and corporation, owning, leasing, occupying, possessing or having charge of or dominion over, any land, place, building, structure, wharf, pier, dock, vessel or water craft, which is infested with rats, mice, gophers or ground squirrels, or as soon as the presence of the same shall come to his, their, or its knowledge, at once to proceed and to continue in good faith to endeavor to exterminate and destroy such rodents, by poisoning, trapping, and other appropriate means.

SEC. 2. *Inspection.*—The state board of health and inspectors appointed by such board, and local health officers and inspectors appointed for the purpose, as hereinafter provided, shall have authority, and shall be permitted to enter into and upon any and all lands, places, buildings, structures, wharves, piers, docks, vessels and water craft, for the purpose of ascertaining whether the same are infested with such rodents and whether the requirements of this act as to the extermination and destruction thereof are being complied with; *provided, however*, that no building occupied as a dwelling, hotel or rooming house, shall be entered for such purpose except between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of any day.

SEC. 3. *Powers of supervisors and council.*—The board of supervisors of each county and the city council or other governing body of each city and county, city and town, whenever it may by resolution determine that it is necessary for the preservation of the public health or to prevent the spread of contagious or infectious disease, communicable to mankind, or when such board shall so determine that it is necessary to prevent great and irreparable damage to crops or other property, may appropriate moneys for the purchase of, and may purchase, poison, traps and other materials for the purpose of exterminating

and destroying such rodents, in such county, city and county, city or town, and may employ and pay inspectors, who shall have authority to and shall prosecute such work of extermination and destruction, under the direction of such board, or of the local health officer, or board of health, on both private and public property, in such county, city and county, city or town.

SEC. 4. *Lien for work done by officers.*—Whenever any person, firm, co-partnership, company or corporation, owning, leasing, occupying, possessing or having charge of or dominion over, any land, place, building, structure, wharf, pier, dock, vessel or water craft, which is infested with such rodents, shall fail, neglect or refuse to proceed and to continue to endeavor to exterminate and destroy such rodents, as herein required, it shall be the duty of the state board of health, its inspectors and the local board of health and health officer, at once to cause such nuisance to be abated by exterminating and destroying such rodents. The expense thereof shall be a charge against the county, city and county, city or town, wherein the work is done, and the board of supervisors or other governing body shall allow and pay the same. Thereupon, the clerk of such board shall file in the office of the county recorder a notice of such payment, claiming a lien on such property for the amount of such payment. Any and all sums so paid by such county, city and county, city or town, shall be a lien on the property on which said nuisance shall have been abated, and may be recovered in an action against such property, which action to foreclose such lien shall be brought, within ninety days after such payment, and be prosecuted by the district, city or town attorney, in the name of such county, city and county, city or town, and for its benefit. When the property is sold, enough of the proceeds shall be paid into the treasury of such county, city and county, city or town, to satisfy such lien and the costs, and the overplus, if any there be, shall be paid to the owner of the property, if known, and if not known shall be paid into court for the use of such owner when ascertained. When it appears from the complaint in such action that the property on which such lien is to be foreclosed is likely to be removed from the jurisdiction of the court, the court may appoint a receiver to take possession of the property and hold the same while the action may be pending or until the defendant shall execute and file a bond, with sufficient sureties, conditioned for the payment of any judgment that may be recovered against him in the action and all costs.

SEC. 5. *Penalty.*—Any violation of the provisions of this act shall be deemed a misdemeanor and shall be punishable as such.

[Acts of 1909, ch. 262.]

SECTION 1. *Branding of upholstering done with shoddy, etc.*—All persons manufacturing in this state, in whole or in part, any article of hotel, boarding house, lodging house or domestic or office furniture, or beds or mattresses, or cushions, used or intended to be or that could be used by human beings, that are stuffed or made in whole or in part, with material composed in whole or in part from secondhand or cast off clothing, rags, or secondhand, or cast off material of any character whatever, or with shoddy, shall at the time of the completion of such manufacture attach to a conspicuous place upon each of such articles so manufactured by him, a label or stamp showing the correct character of the materials with which the cushion portion of such articles of furniture or beds or cushions or mattresses are stuffed, and no person so manufacturing any such articles shall allow the same or any thereof to leave his possession in the course of trade or business unless such label or stamp is so affixed, and no person shall sell, or offer for sale, in this state any of such articles of furniture,

or beds, or mattresses, or cushions, whether the same are manufactured in this state or not, unless such a label or stamp is so affixed.

SEC. 2. *Penalty.*—Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty, nor more than five hundred dollars, or imprisonment not more than six months, or by both such fine and imprisonment.

SEC. 3 (added by chap. 73, acts of 1911). It shall be the duty of the commissioner of the bureau of labor statistics to enforce the provisions of this act. The commissioner, his deputies and agents shall have all powers and authority of sheriffs to make arrests for violations of the provisions of this act.

[Acts of 1913, ch. 422.]

SECTION 1. *Epidemic fund.*—The sum of $100,000 is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, to be expended by the State board of health, under the direction of the governor, for the prevention of the introduction of Asiatic cholera, bubonic plague, smallpox, or other contagious or infectious disease into this State, and for their investigation and suppression in case of their origin or introduction. The claims for such expenditures must be audited by the board of control, except that when, in the opinion of the governor, an emergency arises which demands or necessitates the immediate use of money for the purposes herein provided, the controller must draw his warrant in the name of the governor without such audit on account of the sum hereby appropriated upon the order of the governor in such sums from time to time, not exceeding $1,000 at any one time, as he may direct. In cases where sums are so drawn upon the order of the governor without audit by the board of control vouchers must be thereafter filed with the controller showing the manner and the purposes for which such sums have been expended. Such portion of the sum provided by this section as may be deemed advisable by the State board of health and approved by the governor may be used in accordance with the provisions of this section and section 2: *Provided*, That all expenditures connected therewith shall be audited by the board of control and paid by the State treasurer upon warrants drawn by the controller in accordance with the provisions of this section.

SEC. 2. Whenever any land, place, building, structure, wharf, pier, dock, vessel, or water craft is infested with rodents, insects, or other vermin which are liable to convey or spread contagious or infectious disease from an existing focus declared by the State board of health, it shall be the duty of said board to at once notify the person, firm, copartnership, company, or corporation owning said land, place, building, structure, wharf, pier, dock, vessel, or water craft of the existence of said rodents, insects, or other vermin, and said notice shall direct said owner to proceed immediately to exterminate and destroy said rodents, insects, or other vermin and to continue in good faith such measures as may be necessary to prevent their return. In the event that said owner fails, refuses, or neglects to proceed as above provided within 10 days from date of receipt of said notice the State board of health may at once proceed to exterminate and destroy said rodents, insects, or other vermin and take such measures as may be necessary to prevent their return, and the cost of the above measures shall be repaid to the State board of health by the board of supervisors or other governing body of the county, city and county, city or town wherein the work is done at its next meeting after the bill is presented, and the appropriation provided in section 1 of this act shall be reimbursed by the amount so paid and may be again expended in a similar manner.

SEC. 3. Whenever a board of supervisors or other governing body of any county, city and county, city or town shall have repaid the State board of health any sum as provided in section 2, the clerk of such board shall file in the office of the county recorder a notice of such payment, claiming a lien on such property for the amount of such payment. Any and all sums so paid by such county, city and county, city or town shall be a lien on the property on which such rodents, insects, or other vermin shall have been exterminated and destroyed and may be recovered in an action against such property, which action to foreclose such lien shall be brought within 90 days after such payment and be prosecuted by the district, city, or town attorney in the name of such county, city and county, city or town, and for its benefit. When the property is sold enough of the proceeds shall be paid into the treasury of such county, city and county, city or town, to satisfy such lien, and the costs and overplus, if any there be, shall be paid to the owner of the property, if known; and if not known, shall be paid into the court for the use of such owner when ascertained. When it appears from the complaint in such action that the property on which such lien is to be foreclosed is likely to be removed from the jurisdiction of the court, the court may appoint a receiver to take possession of the property and hold the same while the action may be pending or until the defendant shall execute and file a bond, with sufficient sureties, conditioned for the payment of any judgment that may be received against him in the action and all costs.

[Deering's Political Code, 1909.]

SEC. 2952. *Leprosy.*—It shall not be lawful for lepers or persons affected with leprosy or elephantiasis to live in ordinary intercourse with the population of this state; but all such persons shall be compelled to inhabit such lazarettos or lepers' quarters as may be assigned to them by the board of supervisors of the city or county in which they shall be domiciled or settled, and the board of supervisors are vested with power and are required to make all necessary provisions for the separation, detention, and care of lepers or persons afflicted with leprosy or elephantiasis, settled or domiciled in their respective cities or counties. The superintendent or manager of all lepers' quarters under this chapter shall forward quarterly statements, showing the name, age, sex, and birth-place of each leper in such quarter, to the secretary of state, who shall keep a proper record of such matters for the information of the public.

SEC. 2955. *Examination.*—The commissioner of immigration must satisfy himself whether or not any person who shall arrive in this state, by vessel from any foreign port or place, is a leper, or affected with the disease known as leprosy or elephantiasis, before such person shall mingle with the population of this state. For the purpose of ascertaining said fact the commissioner is vested with the power and authority to detain all such persons on board any such vessel so arriving, and to assign the vessel to a berth or anchorage separate and apart from other vessels, and at a safe and suitable distance from the shore, if in his judgment it shall be necessary, until such fact can be fully ascertained by him. Such fact shall be ascertained by personal inspection and examination of each and every person on board such vessel; and the commissioner of immigration is authorized, empowered, and required to make such personal inspection and examination of all persons so arriving by any such vessel, the same to be made at such berth or anchorage as he shall, in his discretion, assign to such vessel for that purpose, and shall be made before the landing of any person thereupon. All of such persons who, upon inspection and examination, are found to be lepers, or affected with the disease known as

leprosy or elephantiasis, shall be taken in charge by the commissioner of immigration, and placed in a suitable lazaretto, or lepers' quarter, to be provided or designated by the board of supervisors, whenever necessary for that purpose, as hereinbefore prescribed, and there detained and properly cared for, separate and apart from the general population of this state, so long as they, the said lepers, shall elect to remain in the state of California, or until they shall have recovered from said disease, and no longer. All of such persons as shall be found to be free from said disease shall be allowed to depart and go at their will, without unnecessary detention or delay, and shall be entitled to receive a certificate of the fact of their freedom from said disease from said commissioner. For his services in making such examination and inspection the commissioner of immigration shall demand and collect from the master, owner, or consignee of such vessel the sum of seventy cents in United States gold or silver coin, for each and every person so examined or inspected, which sum, except four thousand dollars a year and expenses of office, shall, when required for such purpose, be paid by the commissioner into the state treasury, to be used in the maintenance, when necessary, of such lazarettos or lepers' quarters as shall be constructed under this law. Any master, owner, or consignee of any vessel arriving at any port of this state who shall fail or refuse to perform, or permit the performance of, any of the acts or things required by this chapter, or to take and occupy with his vessel the berth or anchorage assigned for the same by the commissioner, pending the examination and inspection therein provided for, or who shall permit or allow any person arriving in such vessel to depart therefrom, and to communicate, mingle, or associate with the population of this state or any part thereof, until after such examination and inspection by the commissioner is had, shall, for every such act or omission, forfeit to the commissioner of immigration the sum of one thousand dollars in United States gold coin, to be sued for and recovered by suit in any court of competent jurisdiction, and to be applied in like manner with the fees. And any master, owner, or consignee of any such vessel so arriving, who shall refuse or neglect to pay or cause to be paid to said commissioner the fee of seventy cents for the examination and inspection of each and every person so arriving in such vessel, shall forfeit to said commissioner, for each case, the sum of five hundred dollars in United States gold coin, to be recovered and applied as above. And the commissioner shall have a lien upon the vessel, and the same shall be sold to pay any judgment recovered under this act. The commissioner shall have the power to call in the aid of the sheriff and all police authorities to assist in enforcing this law. And he may appoint one or more deputies under him, who shall be invested with all the powers of the commissioner and may discharge his official duties when required by him. The commissioner of immigration must prepare and transmit to the secretary of state quarterly statements, certified under his hand and seal, showing the name, age, sex, birthplace, and present residence of every leper, or person affected with leprosy or elephantiasis, examined or inspected by him, as well as any other information or fact touching the character and prevalence of said disease within his knowledge.

SEC. 2969. *Leprosy fund.*—All moneys received by the state controller, from the office of commissioner of immigration shall constitute a special fund, to be designated as "the leprosy fund." The commissioner of immigration is hereby authorized and required to pay into the state treasury, monthly, in the same manner as county treasurers account, all per capita fees collected by him, and moneys derived from fines, penalties, and forfeitures. The state controller is hereby authorized and required to audit the salary and office expenses of the

commissioner of immigration monthly, the same to be paid in the controller's warrants on said special fund; *provided, however*, that no such account of salary and office expenses shall be audited in excess of the amount of "leprosy funds" on hand, and no liability shall accrue to the state for any deficiency relating thereto.

[Penal Code.]

SEC. 176. Every willful omission to perform any duty enjoined by law upon any public officer, or person holding any public trust or employment, where no special provision shall have been made for the punishment of such delinquency, is punishable as a misdemeanor.

SEC. 376. *Violation of quarantine by vessel.*—Every master of a vessel subject to quarantine or visitation by the quarantine officer, who refuses or omits:

1. To proceed with and anchor his vessel at the place assigned for quarantine, at the time of his arrival;

2. To submit his vessel, cargo, and passengers to the examination of the quarantine officer, and to furnish all necessary information to enable the officer to determine to what length of quarantine and other regulations they ought, respectively, to be subject; or,

3. To remain with his vessel at the quarantine during the period assigned for her quarantine, and while at quarantine to comply with the regulations prescribed by law, and with such as any health officer, by virtue of authority given him by law, shall prescribe in relation to his vessel, his cargo, himself, his passengers, or crew;

Is punishable by imprisonment in the county jail not exceeding one year, or by fine not exceeding two thousand dollars, or both.

SEC. 377. *Violation of health laws.*—Every person who is charged with a duty relating to the registration of deaths, * * *, who—

5. Willfully violates any of the laws of this State relating to the preservation of the public health is guilty of a misdemeanor, and is, unless a different punishment for such violation is prescribed by this code, punishable by imprisonment in the county jail not exceeding one year, or by fine not exceeding $1,000, or by both such fine and imprisonment.

SEC. 377*a*. Every person who after notice shall violate, or who, upon the demand of any public health officer, shall refuse or neglect to conform to any rule, order, or regulation prescribed by the State board of health respecting the quarantine or disinfection of persons, animals, things, or places, shall be guilty of a misdemeanor.

SEC. 378. Every person charged with the performance of any duty under the laws of this State relating to the preservation of the public health who willfully neglects or refuses to perform the same is guilty of a misdemeanor.

SEC. 394. *Public exposure.*—Every person who willfully exposes himself or another afflicted with any contagious or infectious disease, in any public place or thoroughfare, except in his necessary removal in a manner the least dangerous to the public health, is guilty of a misdemeanor.

SEC. 402*c*. *Laundry.*—Every person who conducts, within the limits of any city and county or city or town or village, a public laundry who shall receive any linen or clothing or bedding or other articles for the purpose of cleaning the same, from any hospital or pesthouse or sanitarium where contagious or infectious diseases are treated, or from any undertaking establishment or public morgue, or pesthouse is guilty of a misdemeanor. [Penal Code.]

[Constitution, Art. XI, sec. 11.]

Any county, city, town, or township may make and enforce within its limits all such local, police, sanitary, and other regulations as are not in conflict with general laws.

[Acts of 1913, ch. 81.]

SECTION 1. *Sterilization of wiping rags.*—Every person or corporation who supplies or furnishes to his or its employees for wiping rags, or who sells or offers for sale for wiping rags, any soiled wearing apparel, underclothing, bedding, or parts of soiled or used underclothing, wearing apparel, bedclothes, bedding, or soiled rags and cloths, unless the same have been sterilized by a process of boiling for 40 minutes in a solution containing 5 per cent of caustic soda, and unless before such boiling the sleeves, legs, and bodies of garments are ripped and made into flat pieces, is guilty of a misdemeanor.

SEC. 2. Wiping rags within the meaning of this act are cloths and rags used for wiping and cleaning the surfaces of machinery, machines, tools, locomotives, engines, motor cars, automobiles, cars, carriages, windows, and furniture, and surfaces of articles, appliances and engines in factories, shops, steamships and steamboats, and generally used for cleaning purposes in industrial employments, and also used by mechanics and workmen for wiping from their hands and bodies soil incident to their employment.

SEC. 3. Any person or corporation who shall wash, cleanse, or launder soiled rags or soiled cloth material for wiping rags in the same building or by the same machinery or appliances in or by which clothing and articles for personal wear or for household use are laundered shall be guilty of a misdemeanor.

SEC. 4. Every peace officer, health officer, or health inspector, upon proper demand and notice of his authority, shall be permitted during business hours to enter factories, shops, yards, ships, boats, and premises where wiping rags are used or are kept for sale or offered for sale and inspect such wiping rags, and it shall be unlawful for any person, firm, company, or corporation to refuse to permit such inspection or to impede or obstruct such officer during such inspection.

SEC. 5. Each county, city and county, city and town may regulate the business of laundering and sterilizing, and the business of selling wiping rags, by enacting ordinances prohibiting the laundering, sterilizing, and sale, and offering for sale, of wiping rags or cloth material for wiping rags within their respective jurisdictions without a permit issued by the board of supervisors of the county or board of health or health officer of the city and county, city and town, and for the issuance of certificates of inspection of wiping rags offered for sale. Such permit shall be granted as, of course, on a first application therefor, and may be revoked by the board or officer authorized to issue the same for a violation of this act or for a violation of such ordinance by the holder of such permit. The board, department, or officer authorized to issue permits to launder, sterilize, or sell wiping rags shall keep a register of the names and places of business of persons to whom such permits are issued, and the date of issue and number of said permit, and a record of revocation of issued permits.

SEC. 6. Every package or parcel of wiping rags must, before being sold or offered for sale, be plainly marked "sterilized wiping rags," with the number and date of permit given for the conducting of the laundry in which the rags contained in such package or parcel were laundered and sterilized and the name of the board or officer issuing the permit, or with the name and location of the laundry in which such rags were laundered and sterilized.

SEC. 7. Any person, firm, or corporation who shall violate any of the provisions of this act shall be guilty of a misdemeanor.

COLORADO.

[Revised Statutes, 1908.]

SEC. 5010. *Powers and duties, State board of health.*—The State board of health shall have general supervision of the interests of health and life of the citizens of this State. They shall especially study the vital statistics of the State and endeavor to make intelligent and profitable use of the collected records of death and sickness among the people. They shall carefully study the influence of the climate upon disease and health in different localities in the State for the benefit of the citizens thereof, as well as for the large number of invalids who seek relief in Colorado. They shall make sanitary investigations and inquiries respecting the causes of disease, and especially epidemics, the causes of mortality, and the effect of localities, employment, conditions, ingesta, habits, and circumstances on the health of the people. * * *

SEC. 5012. *Duties, secretary.*—The secretary shall, so far as practicable, communicate with other State boards of health and with local boards of health within the State; * * * He shall collect information, with the assistance of each member of the board, concerning vital statistics, knowledge respecting disease, and all useful information on the subject of hygiene, and, through an annual report and otherwise, as the board may direct, shall disseminate such information among the people. It shall be his duty to act as correspondent in answering all inquiries made by nonresident physicians and nurses who are at liberty to call upon him for special information as to the sanative influence of the climate.

SEC. 5015. *Transmission of sanitary information.*—In order to afford the board better advantages for obtaining knowledge important to be incorporated with that collected through special investigation and from other sources, it shall be the duty of all officers of the State, the clerks and physicians to all municipal boards of health, the physicians to all mining or other incorporated companies, or the president or agent of any company chartered, organized, or transacting business under the laws of this State, so far as is practicable, to forward to the State board of health any information which they possess bearing upon public health which may be requested by said board for the purpose of enabling it better to perform its duties of collecting and distributing useful knowledge on the subject.

SEC. 5017. *Epidemic fund.*—Whenever in the opinion of the governor it may be deemed necessary to draw from the general fund, on the warrant of the auditor, not to exceed the sum of $5,000, which sum is hereby appropriated out of any funds in the treasury not otherwise appropriated, to be used by the State board of health to prevent the introduction or spread in this State of cholera or other communicable diseases dangerous to public health, such warrant or warrants may be drawn for such amount as may be deemed necessary for said purpose.

SEC. 5022. *Power of State board in local affairs.*—In the event of the local board of health of any community being unable or unwilling * * * to prevent the introduction or spread of any contagious or infectious disease, the State board of health shall have full power to take such measures as will * * * prevent the introduction or spread of disease. The State board of health may, for this purpose, assume all the powers conferred by law on the local board of health; or the State board of health may, at its discretion, bring suit against

or prosecute any local board of health for a willful failure to enforce the laws of this State in regard to health, and the expense of carrying out such orders shall be borne by the local board of health so failing to enforce the law.

SEC. 5024. *Interstate quarantine.*—At such points or places or on such lines of travel as there may be danger of the introduction into this State of cholera or other dangerous communicable diseases, the State board of health shall have power to establish such systems of inspection as may be practicable and needful to ascertain the presence of the infection of cholera or other dangerous communicable diseases in the persons of immigrants or travelers, in wearing apparel, baggage, or freight; to question on oath, without cost to the State or person so questioned, which oath a duly appointed inspector of the State board of health is hereby authorized to administer to the immigrant, traveler, or other person, as to the place from which the suspected person, baggage, or freight came, the time elapsed since his or its exposure to cholera or other dangerous disease, and on other subjects on which information is needed; and the State board of health shall have power to order such disinfection of baggage or other articles which are infected or liable to be infected, and to cause such isolation of persons or things infected or liable to be infected, as may be necessary for the public safety, by placing it or them in the care of the local board of health, or by other practical methods to the end that the objects of this act, expressed by its title, shall be fulfilled.

SEC. 388. *Diseases to be considered communicable.*—* * * He (the secretary of the state board of health) shall inform all registrars what diseases are to be considered as infectious, contagious, or communicable or dangerous to the public health, as decided by the state board of health, in order that, when deaths occur from such diseases, proper precautions may be taken to prevent the spreading of dangerous diseases.

SEC. 5025. *Railway conductors to report diseases.*—If a conductor of any railroad discovers on his train a person suffering from cholera, small pox, diphtheria, scarlet fever or any other contagious disease, he shall at once communicate, either by telegraph or telephone, with a local railroad official located nearest the point at which the case is discovered, giving the number of his train, the number of the car, the name of the patient and the nature of the disease suspected. The railroad official so informed must at once give the same intelligence to the nearest member of the State Board of Health, or to the local health officer of his own town or city.

SEC. 5026. *Patient to be held.*—When a case of either cholera or small pox is suspected to exist on any train, the conductor must see that the case is detained and left surveillance at the nearest station, until the local member of the Board of Health, or other officer working in co-operation with him, arrives and takes charge of the case; Provided, That the State Board of Health or its deputy may, when the danger of epidemic disease is imminent, order the detention of any train or car thereof for such time as may be necessary for the purpose of medical inspection.

SEC. 5027. *Inspection rules.*—It shall be the duty of the State Board of Health to frame and publish rules for the conduct of inspection under this act, whoever shall wilfully violate the rules of the State Board of Health, made in pursuance of this act, shall on conviction be punished as provided in sections twenty-one and twenty-two hereof (secs. 5028 and 5029).

SEC. 5028. *Jurisdiction.*—The State Board of Health may cause a complaint to be filed before any justice of the peace or county court in the county where such offense is committed and such courts shall have jurisdiction to try any cause arising under the provisions of this act.

SEC. 5029. *Penalty.*—Any person neglecting or refusing to obey an order of the State Board of Health, made under authority of this act shall, upon conviction, be fined in a sum of not less than twenty-five nor more than three hundred dollars for every offense.

SEC. 5046. *Removal persons having communicable disease.*—Any justice of the peace may make out a warrant under his hand, directed to any sheriff or any constable of the county, in and for which he is justice of the peace, requiring him, under the direction of the Board of Health, to remove any person infected with contagious sickness, or take possession of convenient houses and lodging, and provide nurses, attendants and other necessaries for the accommodation, safety and relief of the sick.

SEC. 5047. *Seizure infected baggage.*—Whenever, on application of the Board of Health or any member thereof, it shall be made to appear to any justice of the peace that there is just cause to suspect that any baggage, clothing, or goods of any kind found within the town, city or county are infected with any disease which may be dangerous to the public health, such justice of the peace, shall, by warrant, under his hand, directed to the sheriff or any constable of the county, require him to take with him as many men as the said justice shall deem necessary to secure such baggage, clothing or other goods, and to post said men as a guard over the house or place where such baggage, clothing, or other goods shall be lodged, which guard shall take effectual care to prevent any person removing or coming near to such baggage, clothing or other goods, until due inquiry be made into the circumstances thereof, and they shall be discharged therefrom.

SEC. 5048. *Storage of same.*—The said justice may also by the same warrant, if it shall appear to him necessary, require the said officer under the direction of the Board of Health, to impress or take convenient houses or stores for the safe keeping of such baggage, clothing or goods; and the Board of Health may cause them to be removed to such houses or stores, or be otherwise detained until they shall in the opinion of the Board of Health be free from infection.

SEC. 5049. *Right of entry.*—Such officer in the execution of such warrant, shall, if need be, in the day time, break open any house, shop or other place mentioned in said warrant, where such baggage, clothing or other goods may be, and he may require such aid as may be necessary to effect the execution of the warrant, and all persons shall, at the command of any such officer, under a penalty not exceeding ten dollars, assist in the execution of the warrant, if able to do so.

SEC. 5050. *Charges for disinfection.*—The reasonable charges of securing such baggage, clothing or other goods, and of transporting and purifying the same shall be paid by the county, city or town whose Board of Health is exercising jurisdiction in the premises; in all cities or incorporated towns all actions provided for herein may be instituted before the police magistrate who shall have jurisdiction thereof, and police officers and marshals in such cities and towns shall have equal authority with sheriffs and constables in executing the provision of this act.

SEC. 5051. *Compensation for guards.*—Whenever the sheriff or other officer shall take possession of houses, stores, lodgings or other necessaries, or shall employ any nurse or attendants, as provided in this act, the several parties interested shall be entitled to a just compensation therefor, to be paid by the county, city or town in which such person or property shall have been so employed or taken possession of.

SEC. 5052. *Examination of travelers.*—The Board of Health of any town, city or county, near to or bordering upon either of the neighboring states or

territories, may appoint by writing, under their hands, suitable persons to attend any places by which travelers may pass into this State from infected places in other states; and the person so appointed may examine such passengers as they may suspect of bringing with them any infection which may be dangerous to public health, and if need be, restrain them from traveling until licensed thereto by the Board of Health of the town, city or county to which such person may come; and any person coming from such infected place who shall without license, as aforesaid, travel within this State, unless it be to travel by the most direct way to the state from whence he came, after he shall be cautioned to depart by the persons appointed as aforesaid, shall forfeit a sum not exceeding one hundred dollars.

SEC. 5053. *Regulations regarding fomites.*—The said board shall also make such regulations as they may deem necessary for the public health and safety respecting any articles which are capable of containing or conveying any infection or contagion or creating any sickness, when such article shall be brought into or conveyed from their town, city or county, or into or from any car or train of cars; and if any person shall violate such regulatins he shall forfeit a sum not exceeding one hundred dollars.

SEC. 5054. *Quarantine ground.*—Any county may establish a quarantine ground in a suitable place either within or without its own limits; Provided, That if such place be without its limits, the consent of the county within whose limits it may be established shall first be obtained therefor.

SEC. 5055. *Joint quarantines.*—Any two or more counties may, at their joint expense, establish a quarantine ground for their joint use, either within or without their own limits; Provided, That if such place be without their limits they shall first obtain the assent of the county in whose limits the same may be.

SEC. 5056. *Penalty.*—The said quarantine regulations, after notice shall have been given, shall be observed and complied with by all persons; and any person who shall violate any such regulations shall forfeit a sum not less than five dollars and not more than five hundred dollars.

SEC. 5057. *Expenses.*—All expenses incurred on account of any person or goods, under any quarantine regulations shall be paid by such person or by the owner of such goods respectively.

SEC. 5058. *Removal of sick prisoners.*—Whenever any person confined in any common jail shall be attacked with any disease which, in the opinion of the physicians of the Board of Health, or such other physicians as they may consult, shall be considered dangerous to the safety and health of the other prisoners; or if the inhabitants of the town, city or county in which such jail is situated, the Board of Health may by their order in writing, direct the removal of such person to some hospital or other place of safety, there to be provided for and securely kept, so as to prevent his escape until their further orders, and if such prisoner shall recover from the disease, he shall be returned to such jail.

SEC. 5059. *Return after recovery.*—If the person so removed shall have been committed by order of any court or under any judicial process, the order for his removal, or a copy thereof, attested by the presiding member of said board of health, shall be returned by him with the doing thereon into the office of the clerk of the district court of the county and no prisoner removed as aforesaid, shall be considered as thereby having committed an escape.

SEC. 5060. *Evacuation of poor houses.*—Whenever any pestilence or contagious disease shall break out in any poor house or hospital in this State, or in the vicinity thereof, and the physicians of such poor house or hospital, or such other physicians as the superintendent may consult, shall certify that such pestilence or disease is likely to endanger the health of the persons sup-

ported at such poor house or hospital, the superintendents or person in charge of such poor house or hospital shall cause the persons there supported, or any of them, to be removed to some other suitable place in the same county, city or town, and there to be maintained and provided for at the expense of the county with all necessary medical attendance and care, until they can safely be returned to such poor house or hospital, or otherwise discharged.

SEC. 5061. *Removal, infected things.*—The Board of Health may grant permits for the removal of any infected article or sick person, within the limits of their town, city or county, when they shall think it safe and proper to do so.

SEC. 5062. *Isolation.*—When any person coming from abroad, or residing within any town, city or county within this State, shall be infected, or shall lately before have been infected, with the small pox or other sickness dangerous to the public health, the Board of Health of the town, city or county where such persons may be, shall make effectual provisions in the same manner in which they shall judge best for the safety of the inhabitants, by removing such sick or infected person to a separate house, if it can be done without danger to his health, and by providing nurses and other assistance necessary, which shall be at the charge of the county, city or town, as the case may be, to which he belongs.

SEC. 5063. *Quarantine.*—If any such infected person cannot be removed without danger to his health, the Board of Health shall make provision for him as in the preceding section, in the house in which he may be, and in such case they may cause the persons in the neighborhood to be removed, and may take such other measures in respect to the same as they may deem necessary for the safety of the inhabitants.

SEC. 5064. *Hospital.*—The inhabitants of any town, city or county may establish, in such locality as the Board of Health may deem best, and be constantly provided with one or more hospitals for the reception of persons having the small pox or other disease which may be dangerous to the public health.

SEC. 5065. *Hospital rules; location.*—All such hospitals shall be subject to the rules and regulations of the board of health or a committee appointed by such board for that purpose; but no such hospitals shall be established within one hundred yards of any inhabited house situated in an adjoining county without the consent of such adjoining county.

SEC. 5066. *Hospital regulations.*—When any hospital shall be so established, the physician attending the same, the persons sick therein, the nurses, attendants and all persons who shall approach or come within the limits of the same, and all such furniture and other articles as shall be brought there, shall be subject to such regulations as shall be made by the Board of Health or of the committee appointed for that purpose.

SEC. 5067. *Smallpox hospital.*—When small pox or other disease dangerous to the public health shall break out in any town, city or county, the Board of Health shall immediately provide, furnish and maintain a suitable and comfortable hospital building and place of reception for the sick and infected, and shall provide a good and sufficient number of efficient nurses and attendants therefor (and when especially requested to do so, permit such nurses and such medical care as the family or near friends of the patient may desire) as they shall judge to be adequate and sufficient for the due care and accommodation of the said sick and infected persons and for the safety of the inhabitants; the said hospitals shall be subject to the regulations of the Board of Health in the same manner as hereinbefore provided for established hospitals.

SEC. 5068. *Notices to travelers.*—When the small pox or other disease dangerous to the public health is found to exist in any town, city or county, the Board of Health shall use all possible care to prevent the spreading of the in-

fection, and to give public notice of infected places to travelers, by such means as in their judgment shall be most effectual for the common safety.

SEC. 5069. *Duty of physician attending hospital.*—If any physician or other person in any of the hospitals or places of reception before mentioned, or who shall attend, approach or be concerned with the same, shall violate any of the regulations lawfully made in relation thereto, either with respect to himself, or to his or any other person's property, the person so offending shall, for each offense, upon conviction, be fined in a sum not less than ten nor more than one hundred dollars.

SEC. 5070. *Householders.*—Whenever any householder shall know that any person within his family is taken sick with small pox or any other disease dangerous to the public health, he shall immediately give notice thereof to the Board of Health or health officer of the town, city or county in which he resides; and if he shall refuse or neglect to give such notice, he shall upon conviction be fined in a sum not exceeding one hundred dollars.

SEC. 5072.—*Report, cases.*—Whenever any physician shall know that any person whom he is called to visit, or who is brought to him for examination, is infected with small pox, cholera, diphtheria, scarlet fever, or any other disease, dangerous to public health, he shall immediately give notice thereof to the health officer, the president or the clerk of the Board of Health of the county, town or village in which the sick person may be, and to the householder, hotel keeper, keeper of a boarding house, or tenant within whose house or rooms the sick person may be. The notice to the officer of the Board of Health shall state the name of the disease, age and sex of the person sick, also the name of the physician giving the notice, and shall, by street and number or otherwise, sufficiently designate the house or room in which said sick person may be; and every physician, and person acting as a physician, who shall refuse or neglect immediately to give such notice, shall for each offense, upon conviction, be fined in a sum not less than five nor more than one hundred dollars; Provided, that this penalty shall not be enforced against a physician if another physician in attendance has given to the health officer hereinbefore mentioned an immediate notice of such sick person, and the true name of the disease, in accordance with the requirements of this section.

SEC. 5073.—*Duties, local health officer.*—Whenever the health officer of any county, city or village in this State shall receive reliable notice, or shall otherwise have good reason to believe that there is within the county, city or village of which he is the health officer, a case of small pox, diphtheria, scarlet fever or other communicable disease dangerous to the public health, it shall be the duty of the health officer, unless he is or shall have been instructed by the Board of Health, of which he is an executive officer, to do otherwise, immediately investigate the subject, and in behalf of the Board of Health, of which he is an executive officer, to order the prompt and thorough isolation of those sick or infected with such disease, so long as there is danger of their communicating the disease to other persons; to order the prompt isolation or vaccination of persons who have been exposed to small pox; to see that no person suffers for lack of nurses or other necessaries because of isolation for the public good; to give public notice of infected places by placard on the premises; and otherwise, if necessary; to promptly notify teachers or superintendents of schools concerning families in which are contagious diseases; to supervise funerals of persons dead from scarlet fever, diphtheria, small pox or other communicable disease, which endangers the public health; to disinfect rooms, clothing and premises, and all articles likely to be infected, before allowing their use by persons other than those in isolation; to keep the president of his own Board of Health and the secretary of the State Board of

Health constantly informed respecting every outbreak of a disease dangerous to the public health, and of the facts, so far as the same shall come to his knowledge, respecting sources of danger of any such diseased person or infected article being brought into or taken out of the county, city or village of which he is health officer.

SEC. 5108.—*Puerperal fever.*—Whenever it shall appear that in the practice of a physician or a midwife, there occur an unusual number of cases of puerperal fever, the Board of Health may require such physician or midwife to suspend his or her vocation for such a time as may seem necessary.

SEC. 6525. *Powers, municipal authorities.*—The city council and board of trustees in towns shall have the following powers:

Forty-seventh. To erect, establish, and maintain hospitals, medical dispensaries, orphanages, dormitories, or other suitable places of relief for persons in sickness or distress through poverty.

Forty-eighth. To do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease.

SEC. 5023. *Rags.*—Hereafter no rags or other dangerous material shall be sold or manufactured into articles to be sold for personal use, unless such rags or material shall have been previously so thoroughly disinfected as to destroy all germs of disease in a manner satisfactory to the (State) Board of Health. Rags or clothing which may be suspected of being infected, imported into the State of Colorado for the purpose of manufacture, shall be kept closely baled and not opened until they can be immediately submitted to thorough disinfection as before described: Provided, That the State Board of Health may at any time, for the protection of the public health, completely prohibit the importation of such rags or clothing into the State.

SEC. 5076. *Reports, sales of antitoxin.*—It shall be the duty of all those engaged in selling, handling, or manufacture of drugs, sera, antitoxin, vaccines, or other pharmaceutical products, to make a report to the local board of health of all antitoxin sold by them, stating to whom such antitoxin was sold and the date on which it was sold; if purchased upon a prescription of a physician, the name of the purchaser as well as the name of the physician ordering the antitoxin. Such reports shall be made within twelve (12) hours of the date of sale.

[Acts of 1909, ch. 3.]

SECTION 1. *Distribution, diphtheria antitoxin.*—There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of five thousand dollars ($5,000), or as much thereof as may be necessary, for the purchase and free distribution of antitoxin for diphtheria as herein provided. The purchase and distribution of such antitoxin under this act shall be conducted by the state board of health, according to such plans and under such rules and regulations as said board shall adopt, not inconsistent with this act. Said board shall purchase such antitoxin under a contract let upon competitive bids, and shall procure it at the lowest possible price. Said board shall designate suitable and accessible places in each county in the state, which shall be called "Free Antitoxin Stations," where said board shall keep suitable quantities of antitoxin for diphtheria in the custody of a reputable druggist, registered pharmacist or person duly licensed to practice medicine in this state, who shall so serve without compensation and who shall dispense such antitoxin free of charge to any person duly licensed to practice medicine in this state, who shall make application therefor in the manner and under the conditions prescribed by the state board of health.

SEC. 2. The state auditor is hereby authorized to and directed to draw warrants upon the state treasurer, who shall pay the same upon vouchers for the necessary expense of purchasing and distributing such antitoxin, such vouchers to be signed by the president and attested by the secretary of the state board of health.

CONNECTICUT.

[General statutes, 1902.]

SEC. 2505. *Duties of state board.*—Said board shall take cognizance of the interests of health and life among the people of this State; make sanitary investigations and inquire respecting the causes of disease and especially of epidemics, the sources of mortality, and the effects of localities, employments, conditions, ingesta, habits, and other circumstances upon the public health, and collect such information in respect to these matters as may be useful in the discharge of its duties and contribute to the promotion of health and the security of life in this state; cause to be made by their secretary or by a committee of the board inspections at such times as it may deem best, and whenever directed by the governor or the general assembly, of all public hospitals, prisons, asylums, or other public institutions, in regard to the location, drainage, water supply, disposal of excreta, heating and ventilation, and other circumstances in any way affecting the health of their inmates, and shall also suggest in writing to the officers thereof such remedies as they may consider suitable for the removal of all conditions detrimental to health in said institutions.

SEC. 2506. *Information to local authorities—Reports.*—Said board shall cause all proper sanitary information in its possession to be promptly forwarded to the local health authorities of any city, borough, town, or county in the State, which may request the same, adding thereto such useful suggestions as the experience of said board may supply. Said local health authorities shall supply like information to said State board of health, * * *. Said board of health may require reports and information at such times and of such facts, and generally of such nature and extent, relating to the safety of life and promotion of health, as its by-laws or rules may provide, from all public dispensaries, hospitals, asylums, infirmaries, prisons, and schools, from the officers thereof, and from all other public institutions, their officers and managers, and from the proprietors, managers, lessees, and occupants of all places of public resort in the State; but such reports and information shall only be required concerning matters in respect of which said board may in its opinion need information for the proper discharge of its duties. * * *

SEC. 2507. *Information to local authorities.*—Said board shall give all information that may be reasonably requested concerning any threatened danger to the public health to local health officers and all other sanitary authorities in the State, who shall give like information to said board; and said board and said officers, and said sanitary authorities shall, so far as legal and practicable cooperate to prevent the spread of disease, and for the protection of life and the promotion of health, within the sphere of their respective duties.

SEC. 2509. *Expert examinations and inspections.*—Said board may, from time to time, engage suitable persons to render sanitary service and to make or supervise practical and scientific investigations and examinations requiring expert skill, and to prepare plans and reports relative thereto. * * * members of said board and such persons as may be authorized by said board may, without fee or hindrance, enter, examine, and survey all such (public) grounds, erections, vehicles, structures, apartments, buildings, and places.

SEC. 2512. *Epidemic fund.*—In case the Asiatic cholera or yellow fever, as an epidemic, shall prevail in this country and in consequence thereof it shall become necessary in the unanimous opinion of the State board of health to expend, in protecting the people of this State from the ravages of either of said diseases, a greater amount than the sum provided by law to be expended by said board, said board is hereby authorized and empowered to expend such other and further sum or sums as may, in its opinion, be necessary for that purpose, to be paid by the treasurer, on the comptroller's warrant, out of any money appropriated therefor; but no other or further sum than $5,000 appropriated by section 2511 shall be expended by said board, except by the unanimous vote of said board and by the approval of the governor, evidenced by a certificate to that effect to the comptroller, with proper vouchers annexed.

[Acts of 1911, chapter 161.]

Distribution, serums, etc.—The State board of health is hereby empowered to procure, either by purchase or production, diphtheria antitoxin, tetanus antitoxin, and vaccine lymph for the free use of the people of the State; said antitoxin and lymph to be distributed to the town health officers as needed.

[Acts of 1905, chapter 162.]

SECTION 1. *Laboratory.*—The State board of health may establish and control a bacteriological laboratory where examination of supposed morbid tissues for the diagnosis of infectious diseases shall be made, free of expense, upon the application of registered physicians or health officers, * * *.

* * * * * * *

SEC. 4736. *Sale of antitoxine. Powers of state board of health.*—No person shall sell, offer, or expose for sale, or shall receive or solicit any order for the sale or delivery within this state, of any article known as diphtheria antitoxine, or any article prepared from the blood serum of any animal, and intended to be used for a medicine, unless the receptacle containing such preparation bears a label, on which is placed the name and address of the producer, and upon such label, or upon a circular accompanying such receptacle, and enclosed with it in a sealed package, shall be printed or written the date of production and the value of the contents in antitoxine as measured by some generally recognized standard. Every person violating any provision of this section shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both. The state board of health may procure from any dealer in antitoxine or other blood serum medicine samples of such articles and cause the same to be tested, and if by such test it shall be found that the article tested is not such as it is represented to be on the package, but of inferior quality, then the seller of such inferior article shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both.

SEC. 2518. *Powers and duties, county health officer.*—The county health officer shall cause the execution of the laws relating to public health * * * and cooperate with and supervise the doings of town, city, and borough health officers, and boards of health, within his county. He shall have all the powers of a grand juror in each of the several towns within his county, and all the powers of the prosecuting officer of each city, borough, town, or police court within his county in prosecutions for violations of the laws concerning contagious diseases and public health, * * * for violations of by-laws or ordinances relating to public health and contagious diseases adopted by a city or borough, for the violation of the orders of town, city, or borough

health officers, * * * and of the laws relating to the sale * * * antitoxine. County health officers may sign complaints, in any town, city, or borough in the county, to run into the same or any other town, city, or borough in the county.

SEC. 2529. *Regulations of health officer.*—No regulation adopted by a town health officer shall be valid until it has been approved by the State board of health upon hearing, after notice given by said board to one of the selectmen of the town and to the town health officer of the time and place of such hearing.

SEC. 2533. *Appeals from health officers' order.*—Any person aggrieved by an order issued by a town, city, or borough health officer may, within forty-eight hours after the making of such order, appeal to the county health officer, who shall thereupon immediately notify the authority from whose order the appeal is taken, and examine into the merits of such case, and may vacate, modify, or affirm such order; and said county health officer in case any such order, or a law of this State, or a by-law or ordinance of any city, town, or borough, concerning the public health or the prevention of nuisances injurious to the public health or relating to the registration of vital statistics, be violated, may commence and prosecute to effect in a court of competent jurisdiction an action in the name of the State to restrain any person from the violation of any such order, law, by-law, or ordinance.

SEC. 2547. *Enforcement of orders, etc.*—When any person shall refuse to obey a legal order given by a health officer, health committee, or board of health, or shall endeavor to prevent it from being carried into effect, a justice of the peace may issue his warrant to a proper officer or to an indifferent person, therein stating such order and requiring him to carry it into effect, and such officer or indifferent person shall execute the same.

SEC. 2552. *Violation of orders of health authority.*—Every person who shall violate any provision of this chapter, or any legal order of a health officer or board of health for which no other penalty is provided, shall be fined not more than $500, or imprisoned not more than six months, or both.

[Acts of 1911, ch. 220.]

SEC. 6. *Infected tenements.*—Whenever it shall be certified by the board of health that a tenement, lodging, or boarding house, or any part thereof, is infected with contagious disease, or that it is unfit for human habitation or dangerous to life or health by reason of want of repair or of defects in the drainage, plumbing, ventilation, or construction of the same, or by reason of the existence on the premises of a nuisance liable to cause sickness among the occupants of such house, the board of health may issue an order requiring all persons therein to vacate such house, or part thereof, within not less than 24 hours nor more than 10 days, for the reasons mentioned in such order. In case such order is not complied with within the time so specified, the board of health may cause such house, or part thereof, to be vacated. The board of health, whenever satisfied that the danger from such house, or part thereof, has ceased to exist, or that such house is fit for human habitation, may revoke such order, or may extend the time within which the same may be complied with.

SEC. 2508. *Notice of infectious diseases.*—When in any town, city, or borough, a case of smallpox, cholera, or any epidemic of infectious disease is known to exist, the local health officer of such town, city, or borough shall immediately notify the secretary of the state board of health of the existence of the same, with such facts as to its cause and continuance as may be known. Every person violating this section shall be fined not more than twenty-five dollars.

SEC. 2512. *Power in case of cholera or yellow fever.*—In case the Asiatic cholera, or yellow fever, as an epidemic, shall prevail in this country, and in consequence thereof it shall become necessary in the unanimous opinion of the state board of health to expend, in protecting the people of this state from the ravages of either of said diseases, a greater amount than the sum provided by law to be expended by said board, said board is hereby authorized and empowered to expend such other and further sum or sums as may in its opinion be necessary for that purpose, to be paid by the treasurer, on the comptroller's warrant, out of any money appropriated therefor; but no other or further sum than five thousand dollars appropriated by § 2511 shall be expended by said board, except by the unanimous vote of said board, and by the approval of the governor, evidenced by a certificate to that effect to the comptroller, with proper vouchers annexed.

SEC. 2513. *Inspection of baggage.*—At such ports or places, or on such lines of travel as there may be danger of the introduction into this state of cholera, or yellow fever, the state board of health shall have the power to establish such systems of inspection as may be practicable and needful to ascertain the presence of the infection of cholera, or yellow fever in the persons of immigrants or travelers, in wearing apparel, baggage, or freight; to question on oath immigrants, travelers, or other persons, which oath a duly appointed inspector of the state board of health may administer, as to the place from which the suspected person, baggage, or freight came, the time elapsed since his or its exposure to cholera or yellow fever, and other subjects on which information is needed; and the state board of health may order such disinfection of baggage or other articles which are infected or liable to be infected, and cause such isolation of persons or things infected or liable to be infected as may be necessary for the public safety by placing it or them in the care of the local health authorities, or by other practical methods, to the end that the object of this section shall be fulfilled. The board shall frame and publish rules for the conduct of such inspection. Every person who shall wilfully violate any of said rules shall be fined not more than five hundred dollars or imprisoned not more than one year, or both. The board may, from time to time, appoint such inspectors as may be necessary for the proper enforcement of this section, may fix the compensation of such inspectors, and may discharge such inspectors at its pleasure; and the expenses of said inspection shall be defrayed from the amount appropriated under §§ 2511 and 2512.

SEC. 2534. *Report of contagious diseases by physicians.*—Every physician shall report in writing every case of cholera, yellow fever, typhus fever, leprosy, smallpox, diphtheria, membranous croup, typhoid fever, scarlet fever, or other contagious or infectious disease, except those of a venereal nature, occurring in his practice, to the health officer of the town, city, or borough, in which such case occurs, within twelve hours after his recognition of the disease. Every person who shall violate any provision of this section shall be fined not more than twenty-five dollars.

SEC. 2536. *Quarantine regulations for vessels.*—The health officer of a town, city, or borough, or the board of health of a city or borough, contiguous to navigable waters may assign, within the limits of such town, city, or borough or the waters contiguous thereto, the port or place in any harbor, road, river, or bay, where vessels coming within such limits shall, if need be, perform quarantine. Every vessel which shall come from any foreign port or place, or between the first of June and the first of November from any port or place in the United States south of the capes of Delaware bay or in the British provinces, and come to anchor in any such harbor, road, bay, river, or contiguous waters, if any place for quarantine shall have been assigned as aforesaid,

shall come to anchor and lie at such place so assigned, and at no other place, until discharged in the manner hereinafter provided. The master of every vessel coming to anchor as aforesaid shall forthwith make signal for a health officer by hoisting colors in the shrouds or, if need be, may send a person on shore who shall notify immediately the health officer of the port, or, if there be no health officer, a member of the board of health, of the arrival of such vessel, and forthwith return on board. The provisions of this section shall not apply to a vessel which shall have entered any port or place north of said capes where there are quarantine regulations and been visited by a health officer, received a clean bill of health, and been permitted to go, and has actually gone to the wharves and unloaded thereat; and such clean bill of health or a certified copy thereof shall be left with or filed at the office of the health officer or board of health having jurisdiction over said port within twenty-four hours after the arrival of such vessel.

SEC. 2537. *Quarantine of vessels from certain ports.*—When the health authority of any town, city, or borough, shall deem it expedient that vessels arriving in such town, city, or borough, or in the waters contiguous thereto, from any port or place in the United States north of the capes of Delaware bay, should perform quarantine, such health authority may by an order, duly published or posted, subject such vessels to quarantine in the same manner as if they arrived from a foreign port or place.

SEC. 2538. *Quarantine in New Haven harbor.*—Every vessel subject to quarantine, arriving in the harbor of New Haven, on board of which there shall be no sickness at the time of such arrival, or on board of which during the passage there shall have been no case of malignant or contagious disease, may come to and make fast at the end of any public wharf in said harbor, without incurring any penalty for violation of the quarantine laws; but no person shall be allowed to leave said vessel except to make fast to the wharf until said vessel shall have been visited by a health officer and by him discharged from quarantine. If the health officer on visiting any such vessel shall find such sickness on board as, in his opinion, shall make it proper for him to cause such vessel to continue subject to quarantine, he shall order it to be removed to such place as shall be assigned as a place of quarantine. This section shall not apply to any vessels coming from any foreign port other than a port in the Dominion of Canada or Newfoundland.

SEC. 2539. *Vessel visited by health officer.*—On notice given to a health officer or member of the board of health of the arrival of any vessel as aforesaid, he shall visit it without delay, and may, on examination, give a certificate of health, discharging it from quarantine, or cause it to continue subject to quarantine; every vessel so subjected to quarantine shall perform quarantine under the regulations of such health officer or board of health.

SEC. 2540. *Fees for visiting vessel.*—The health officer or board of health may establish the fees, not exceeding five dollars, which the health officer shall be entitled to receive for visiting a vessel as aforesaid, and the master or owner of such vessel shall pay the same to such health officer or board of health.

SEC. 2541. *Fraudulently eluding quarantine.*—No master of any vessel liable to perform quarantine as aforesaid shall fraudulently attempt to elude a quarantine by false declarations of the port or place from whence he came, or land, or suffer to be landed from his vessel any person or thing except in the manner above provided, nor permit any person to board such vessel, before it shall have been visited as aforesaid.

SEC. 2542. *Quarantine of vessels having sickness on board.*—Every vessel, from any port or place, having sickness on board shall be subject to inspection

and quarantine before making fast to any wharf. Every master of a tugboat who shall violate, or assist any other person to violate, the quarantine regulations of a port shall be fined not more than one hundred dollars, or imprisoned not more than three months, or both.

SEC. 2543. *Vessel ordered to be cleansed.*—When a health officer or a member of the board of health shall on visiting any vessel as aforesaid think it necessary that it should be cleansed or purified, he shall direct its master to hoist a white flag on the head of the mainmast, there to be kept during the daytime, and shall without delay direct the time and manner in which the cargo on board such vessel shall be in part or in whole cleansed or purified, and such vessel, or such part thereof as may be infected, shall be cleansed in such method as shall be directed. When such vessel shall contain any person ill of a contagious or infectious disease he shall be removed on shore to such place as said health officer or board may direct and shall be nursed and provided for in the manner prescribed by law. Such health officer or board may cause any passenger, and such of the mariners as the master shall not require to continue on board, to be removed on shore and secluded for fourteen days in such place as the health officer or board shall direct; and if any person shall, without permission, visit any person so confined, he shall be deemed to be contaminated with infection and be liable to the same confinement and penalty as are imposed upon the person visited.

SEC. 2544. *Certificate of health fraudulently obtained.*—If the health officer or board of health shall find that any certificate of health granted by them was obtained by fraud or false representation, or be of opinion that any vessel, person, or cargo should perform further quarantine for the purpose of being cleansed or purified, on notice thereof being given to such person, or the owner, master, supercargo, or consignee of such vessel or cargo, as the case may be, the same shall in all respects be liable to be proceeded with as if no certificate of health had been given.

SEC. 2545. *Prohibiting communication between towns.*—The health authority of a town, city, or borough may interdict communication between it and any town or place in which a contagious or malignant disease is prevalent.

SEC. 2546. *Notice of contagious diseases in hotel.*—Every hotel or lodging-house keeper, in whose house any lodger becomes sick of any malignant or contagious disease, shall within twelve hours after such lodger becomes sick report in writing to the board of health or health officer the name of such person if known and the nature of his disease.

SEC. 2547. *Enforcement of orders of health authorities.*—When any person shall refuse to obey a legal order given by a health officer, health committee, or board of health, or shall endeavor to prevent it from being carried into effect, a justice of the peace may issue his warrant to a proper officer, or to an indifferent person, therein stating such order and requiring him to carry it into effect, and such officer or indifferent person shall execute the same.

SEC. 2548. *Disposition of fines and penalties.*—All fines imposed for the violation of any provision of this chapter, or any regulation of a health officer or board of health, shall be paid to the town, city, or borough in which the offense is committed.

SEC. 2549. *Quarantine of persons infected with contagious disease.*—Any town, city, or borough, health officer, or the board of health of a city or borough, may order any person, whom they have reasonable grounds to believe to be infected with any malignant, infectious, or contagious disease, into confinement in a place to be designated by them, there to remain so long as said health officer or board shall judge necessary.

SEC. 2953. *Sick prisoners. Removal to another jail; sickness.*—When the prisoners in any jail shall be exposed to any malignant sickness, the county commissioners of the county in which it is, shall cause them to be removed at the expense of the state, to the next jail, in the same, or an adjoining county, there to be kept until such sickness shall abate; when they shall be removed by such commissioners, at the expense of the state, to the place from which they were taken; and all keepers of jails, to which such prisoners may be so removed, shall receive and keep them safely until they shall be remanded as aforesaid, or lawfully released.

SEC. 2975. *Retention of diseased prisoners.*—When the medical officer of, or any physician employed in, any penal or charitable institution shall report in writing to the superintendent or other officer in charge of such institution, that any inmate thereof committed thereto by any court, or supported therein in whole or in part at public expense, is afflicted with any venereal disease so that his discharge from said institution would be dangerous to the public health, such inmate shall, with the approval of such superintendent or other officer in charge, be detained in said institution until such medical officer or physician shall report in writing to said superintendent or officer in charge of such institution, that such inmate may be discharged therefrom without danger to the public health. Duing detention, the person so detained shall be supported in the same manner as before such detention.

[Acts of 1913, ch. 14.]

SECTION 1. *Reports, occupational diseases.*—Every physician having knowledge of any person whom he believes to be suffering from poisoning from lead, phosphorus, arsenic, brass, wood-alcohol, mercury, or their compounds, or from anthrax, or from compressed-air illness, or any other disease, contracted as a result of the nature of the employment of such person, shall, within 48 hours, mail to the commissioner of the bureau of labor statistics a report stating the name, address, and occupation of such patient, the name, address, and business of his employer, the nature of the disease, and such other information as may reasonably be required by said commissioner. The commissioner of the bureau of labor statistics shall prepare and furnish to the physicians of this State suitable blanks for the reports herein required.

SEC. 2. No report made pursuant to the provisions of this act shall be evidence of the facts therein stated in any action at law against any employer of such diseased person.

SEC. 3. Any physician who shall neglect or refuse to send any report herein required, or who shall fail to send the same within the time specified in this act, shall be liable to the State for a penalty of not more than $10, recoverable by civil action in the name of the State by the commissioner of the bureau of labor statistics.

[Acts of 1913, ch. 143.]

SECTION 1. *Prevention of mosquitoes.*—Any accumulation of water in which mosquitoes are breeding is hereby declared to be a public nuisance.

SEC. 2. When it has been brought to the attention of a health officer or board of health, through the complaint of any citizen, or when discovered by any inspector or agent of said health officer or board of health, that rain-water barrels, tin cans, bottles, or other receptacles, or pools near human habitations are breeding mosquitoes, it shall be the duty of said health officer or board of health to investigate and to cause such breeding places to be abolished, screened, or treated in such manner as to prevent the breeding of mosquitoes. The health officer, or any inspector or agent employed by him, shall have the right to enter any premises in performance of his duties under this act.

DELAWARE.

[Rev. Stats., 1893, p. 296.]

SEC. 3 (as amended by ch. 327, acts of 1903). *Powers, State board of health.*—Said Board of Health of the State of Delaware shall have supervision of all matters relating to the preservation of life and health of the people of the State. The said Board of Health shall have supreme authority in matters of quarantine, and may declare and enforce such quarantine, when necessary, and where no quarantine exists; may modify, relax, or abolish it, where it has been established. The said Board of Health of the State of Delaware may make special or standing orders or regulations for the prevention of the spread of contagious or infectious diseases, and for governing the receipt and conveyance of the remains of deceased persons and such other sanitary matters as admit of and may best be controlled by a universal rule. The said Board of Health may also make and enforce orders in local sanitary matters, when in the judgment of the said State Board of Health, or its Executive Officer, an emergency concerning the public health exists, and the local Board of Health have neglected or refused to act with sufficient promptness or efficiency, or when or where such local board has not been established, and all such expenses so incurred shall be paid by the city, town or county for which services are rendered upon bill presented to the treasurer of such city, county or town by the Secretary of the said Board of Health of the State of Delaware, and approved by the President thereof.

It shall be the duty of all local Boards of Health, health authorities and officials, officers of State and county institutions, police officers, sheriffs, constables, and all other officers and employees of the State, or of any county, city, or town thereof to enforce such quarantine and sanitary rules and regulations as may be adopted by the Board of Health of the State of Delaware, and in the event of failure or refusal on the part of any member of said local boards or other officials, or persons mentioned in this Section so to act, he or they shall be guilty of a misdemeanor and upon conviction thereof shall pay a fine of not more than fifty dollars for the first offense and not more than one hundred dollars for the second and each succeeding offense. The said Board of Health of the State of Delaware shall make careful inquiry as to the cause of disease, especially when contagious, infectious, epidemic or endemic and take prompt action to control and suppress it. The reports of births and deaths, the sanitary conditions and effects of localities. employments, the personal and business habits of the people, the relation of the diseases of beasts and man shall be subjects of careful study by the said Board of Health; and it may make and execute orders necessary to protect the people against diseases of the lower animals. It shall collect and preserve such information in respect to such matters and kindred subjects as may be useful in the discharge of its duties, and for dissemination among the people. It shall also encourage the establishment of local Boards of Health. And said State Board of Health are authorized to require reports and information from all public dispensaries, asylums, prisons and schools, and from the managers, principals and officers thereof, and from all other public institutions, their officers and managers and from the proprietors, managers, lessees, and occupants of all places of public resort in this State; and if any proprietor, manager, principal, superintendent, officer or physician in charge shall refuse and neglect to make a report when requested to do so by the said State Board of Health, he, she or they shall, upon conviction thereof before any justice of the peace of the county in which he, she or they shall reside, be fined not less than five dollars

nor more than twenty-five dollars together with costs. And any such justice of the peace shall have full cognizance thereof. But such reports and information shall only be required concerning matters and particulars in respect of which they may need information for the proper discharge of their duties. Said board shall, when requested by public authorities, or when they deem it best, advise officers of the State, county, or local governments in regard to drainage, and the location, drainage, ventilation, and sanitary provisions of any public institution, building or public place.

SEC. 4 (as amended by ch. 98, acts of 1901). *Advice; inspections.*—Said board shall be an advisory board to the authorities of the State in all matters pertaining to public hygiene; they shall have authority to make special inspection of hospitals, prisons, asylums, almshouses and other public institutions, and to investigate by the secretary or committees of the board the cause of any special disease or mortality in any part of the State, and make such regulations and adopt such measures, including quarantine, vaccination, etc., as they may deem most efficient to eradicate all infectious diseases. * * *

SEC. 7 (as amended by ch. 327, 1903).—*Epidemics.* * * * That in the event of an epidemic or pestilential disease occurring in any county, city or village of the State, the Board of Health of the State of Delaware shall forthwith cause all needful sanitary measures and precautions to be taken which the emergency may call for, and which may be consistent with law, and shall be approved by the Governor; said approval to be expressed in writing; and the said board with the approval of the Governor is hereby authorized to draw upon the state treasurer in favor of the board for an additional amount, not exceeding three thousand dollars in any one year, to be paid out of any unappropriated money in the treasury, to be applied and expended under the direction of the Governor and the State Board of Health in carrying out such needful sanitary measures and precautions.

SEC. 11 (added by ch. 327, acts of 1903).—*Reports.*—It shall be the duty of the Board of Health, health authorities, and of physicians in rural districts or other localities where there are no health officials, to report to the Board of Health of the State of Delaware, the existence of any case of contagious or infectious diseases which may come under their observation; and when any contagious or infectious disease shall become or threaten to become epidemic, and the local authorities shall neglect or refuse to enforce efficient measures for its prevention, the Board of Health of the State of Delaware, or the Secretary thereof as its executive officer on the order of the President of said Board, may appoint a medical or sanitary officer and such assistants as the said Board or the Secretary thereof may require, and authorize such medical or sanitary officer to enforce such orders or regulations as the said Board or its executive officer may deem necessary.

SEC. 9. *Penalty.*—Any person refusing, failing, or neglecting to perform the duties required of them under the provisions of the act hereby amended shall, upon conviction thereof before any justice of the peace of the county in which they shall reside, be fined not less than $5 nor more than $25, together with costs.

[Acts of 1899, ch. 240.]

SEC. 4. *Information of contagious diseases, etc.*—All physicians, dentists, veterinary surgeons, or others practicing medicine or surgery, or any branch thereof, under the laws of this State shall be required to give prompt notice to the local or State board of health of any and all cases of contagious or infectious disease that may come under their professional notice, and shall have free access to the work of the laboratory for the determination of the diagnosis of

any doubtful or suspicious case, by forwarding (prepaid) a sufficient sample of urine, blood, sputum, or other substance of such case to the said pathologist and bacteriologist at Newark for examination, who shall examine the substance so sent and report to the physician, dentist, or others aforesaid, sending the same the result of said examination without any unnecessary delay and without further charge; the said physician, dentist, or others aforesaid shall report the result immediately as herein above required: *Provided, however*, That nothing in this act shall be so construed as to prevent the board of health of the State from making full provision for the free use of the laboratory for the examination of any matter or substance so as to determine the diagnosis of diseases neither contagious nor infectious, and either local or constitutional, * * * for any citizen of the State.

[Acts of 1911, ch. 74.]

SECTION 1. *Diphtheria antitoxin.*—The State Board of Health of Delaware is hereby authorized to procure and distribute Diphtheria Antitoxin to the people of the several counties of Delaware, when such person or persons are placed under quarantine for Diphtheria, and desire Diphtheria Antitoxin for the treatment thereof. The expense so incurred shall be paid by the person or persons quarantined, when able to make such payment, and when not, by the city, town or county in which he or they are quarantined. All of such Diphtheria Antitoxin thus distributed by the State Board of Health shall be furnished only after certification to the distributing agency, by the physician in attendance upon such case, and upon the forms adopted by the State Board of Health of Delaware.

SECTION 2. The State Board of Health of Delaware may make such rules and regulations governing the requisition and distribution of the above-mentioned Diphtheria Antitoxin as they deem fit and proper, and said rules and regulation shall have the force of law.

Section 3. *Penalty.*—Any person making false certification for the securing of the above named Diphtheria Antitoxin shall, upon conviction thereof, be liable to a fine of not less than $5.00 nor more than $50.00, the same to be recovered before any Justice of the Peace of the State of Delaware, and from whose decision there shall be no appeal. That all fines recovered under this act shall be paid to the Treasurer of the State, and applied to the General Fund of the State.

Section 4. The State Board of Health shall furnish the above said Diphtheria Antitoxin, and have the same labelled "Delaware State Board of Health Diphtheria Antitoxin".

Section 6 (as am. by ch. 86, acts of 1913). *Appropriation.*—The sum of $500 annually is hereby appropriated to the State Board of Health of Delaware for the carrying into effect the provisions of this act, and the same is hereby annually appropriated out of any funds in the hands of the State Treasurer, not otherwise appropriated. * * *

[Rev. Stats., 1893, p. 298.]

SEC. 12. *Powers, local board of health.*—Every board of health, constituted as aforesaid, shall have power to make orders and regulations to their discretion concerning the place and mode of quarantine; the examination and purification of vessels, boats, and other craft not under quarantine; the treatment of vessels, articles or persons thereof; the regulation of intercourse with infected places; the apprehension, separation and treatment of emigrants and other persons

who shall have been exposed to any infectious or contagious disease; to regulate and prohibit or prevent all communication or intercourse with all houses, tenements and places, and the persons occupying the same, in which there shall be any person who shall have been exposed to such contagious or infectious disease.

SEC. 13. *Accommodations for quarantined persons.*—The said board of health shall have power to procure suitable places for the reception of persons under quarantine, and persons sick with the Asiatic or malignant cholera, or any other malignant or infectious or contagious disease; and in all cases where sick persons cannot otherwise be provided for, to procure for them proper medical and other attendance and necessaries.

SEC. 17 (added by ch. 328, acts of 1903).—*Reports.*—Every physician or other person having knowledge of any person who is suffering any disease dangerous to the public health, which the State Board of Health may require to be reported, shall report the same to the Health board or official nearest his place of residence, giving the name, age, sex and color of the patient and the house or place where he or she may be found; and when complaint is made or a reasonable belief exists that an infectious or contagious disease exists in any house which has not been reported as hereinbefore required, the Board of Health or other health officers shall inspect or cause the house and locality to be inspected by its officers, and on discovering that such disease exists, the board may, as it deems best, send such persons to a quarantine hospital or other place provided for such persons, or may restrain them and others exposed within said house or locality from intercourse with other persons, and prohibit ingress or egress to or from such premises.

SEC. 18 (added by ch. 328, acts of 1903).—*Placarding; quarantine.*—It shall be the duty of the Board of Health when a case of smallpox, cholera, plague, yellow fever, typhus fever, diphtheria, membraneous croup, or scarlet fever is reported within its jurisdiction, to at once cause to be placed in a conspicuous position on the house wherein any of the aforesaid diseases occur, a quarantine card, having printed on it in large letters the name of the disease within, and to prohibit entrance to or exit from such house without written permission from the Board of Health; and no person quarantined by a Board of Health on account of having a contagious disease, or for having been exposed thereto, shall leave such quarantined house or place without the written permission of the Board of Health; and every physician attending a person affected with any of the aforementioned diseases shall use such precautionary measures to prevent the spread of the disease as may be required by the Board of Health. No person shall remove, mar, deface or destroy such quarantine card, which shall remain in place until after the patient has been removed from such house, or has recovered and is no longer capable of communicating the disease, and the said house and the contents thereof have been properly purified and disinfected by the Board of Health, and where other inmates of said house have been exposed to and are liable to become ill of any of said diseases, for a period thereafter counting from the completion of disinfection, as follows, to wit:

In diphtheria and membranous croup, 14 days; in smallpox, 17 days; in scarlet fever, 10 days; in cholera or yellow fever, 7 days; in typhus fever, 21 days. The Board of Health may employ as many persons as it deems necessary to execute its orders and properly guard any house or place containing any person or persons affected with any of the diseases named herein, or who have been exposed thereto, and such persons shall be sworn in as quarantine guards, shall have police powers, and may use all necessary means to enforce

the provisions of this Chapter for the prevention of contagious or infectious disease or the orders of any Board of Health made in pursuance thereof.

When a house or other place is quarantined on account of contagious disease, it shall be the duty of the Board of Health having jurisdiction to provide for all persons confined in such house or place, food, fuel, and all other necessaries of life, including medical attendance, medicine and nurses, when necessary; the expense so incurred except those for disinfection, quarantine or other measures strictly for the protection of the public, when properly certified by the president and clerk of the Board of Health, or health officer where there is no Board of Health, shall be paid by the person or persons quarantined, when able to make such payment, and when not, by the city, town or county in which he or they were quarantined.

SEC. 19 (added by ch. 328, acts of 1903).—*Common carriers.*—Whenever quarantine is declared, all railroads, steamboats, or other common carriers, and the owners, consignees or assignees of any railroad, steamboat, stage or other vehicle used for the transportation of passengers, baggage or freight, shall submit to any rules or regulations imposed by any Board of Health or health officer; they shall submit to any examination required by the Board of Health or health officer; they shall submit to any examination required by the health authorities respecting any circumstance or event touching the health of the crew, operatives or passengers, and the sanitary condition of the baggage and freight; and any owner, consignee or assignee, or other person interested as aforesaid, who makes any unfounded statement or declaration respecting the points under examination, shall upon conviction thereof before any court or justice of the peace, having jurisdiction, be subjected to the penalties herein provided for violations of the requirements of this Chapter and the orders of the State or local Boards of Health.

SEC. 20 (added by ch. 328, acts of 1903).—*Special and field hospitals.*—The State Board of Health or any local Board of Health shall be authorized to erect any temporary wooden buildings or field hospitals deemed necessary for the isolation or protection of persons or freight supposed to be infected, and may employ nurses, physicians and laborers sufficient to operate the same properly, and sufficient police to guard the same. The Board of Health may cause the disinfection, renovation or complete destruction of bedding, clothing, or other property, belonging to corporations or individuals, when such action seems to such board necessary, or a reasonable precaution against the spread of contagious or infectious diseases.

DISTRICT OF COLUMBIA.

[29 Stats., 635.]

Defining "contagious disease."—For the purposes of this act the term "contagious disease" shall be held to mean Asiatic cholera, yellow fever, typhus fever, smallpox (including varioloid), leprosy, the plague, and glanders, or any of these diseases by whatsoever name it may be designated; the term "case of contagious disease" shall be held to mean any person suffering from any such disease. Any person shall be held to be suffering from a contagious disease who is so infected by such disease as to be capable of transmitting it to others. The presence of the ordinary clinical symptoms of any contagious disease shall be prima facie evidence that such case is or was such a disease; and the presence in such case of the specific bacteria of such disease shall be conclusive evidence that such case is or was such disease. The provisions of this act shall apply to every ship, vessel, steamer, boat, or

craft lying or being in the rivers, harbors, or other waters within the jurisdiction of said District, and to every tent, van, hovel, barn, outhouse, cabin, or other place in said District. The term "person in charge of a case of contagious disease" shall be held to mean, first, the head of the family in which such case belongs; second, in his absence or disability or in case he be the person sick, the nearest relative or relatives of such case present on the premises where such case is, and being in attendance on him; third, in the absence of such relatives everyone in attendance on such person; fourth, in the absence of anyone so in attendance, everyone in charge of the premises where such person is.

SEC. 2. *Reports.*—Every physician attending on or called in to visit, or examining any case of contagious disease in the District of Columbia, shall immediately cause such case to be properly isolated, and at once send to the health officer of said District a certificate signed by him, which said certificate shall state the name of the disease and the name, age, sex, and color of the person suffering therefrom, and shall set forth by street and number, or otherwise sufficiently designate the house, room, or other place in which said person may be located, together with such other reasonable information relating thereto as may be required by said health officer: *Provided*, That attending, visiting, or examining any person suffering from a contagious disease shall be prima facie evidence that any physician so doing was aware that such person was suffering from such disease: *And provided further*, That any case of sickness, the symptoms of which so resemble the symptoms of any contagious disease that such case can not be immediately distinguished from such disease, shall be properly isolated by the person in charge thereof until the nature of such sickness is positively determined, or until the case has completely recovered or died; and if such case recovers or dies without the true nature of the disease having been ascertained, it shall be the duty of the person in charge of such case to adopt such measures of isolation and disinfection as are required by this act in cases of contagious diseases.

SEC. 3. *Death reports.*—Any physician attending on or visiting any case of contagious disease in said District shall send to said health officer a certificate signed by him, certifying to the recovery or death of such case, within twenty-four hours after he becomes aware of such recovery or death. No person suffering from any contagious disease shall be certified as having recovered therefrom until he is entirely free from danger of communicating such disease to others.

SEC. 4. *When no physician is employed.*—Whenever any person in said District is suffering from any contagious disease, or suspected of being suffering from such disease, and no physician is in attendance on or called in to visit, or examine such person, it shall be the duty of the person in charge of such case to properly isolate the same and to send to said health officer certificates relative thereto, in the same manner as is required by this act of physicians attending on or called in to visit, or examining like cases.

SEC. 5. *Placarding; quarantine.*—Whenever it comes to the knowledge of said health officer, either by the certificate hereinbefore provided for or otherwise, that any person in said District is suffering from any contagious disease, said health officer shall cause one or more suitable placards or warning signs to be placed at once in a conspicuous position or positions upon, at, or near the front entrance or entrances to the premises in which such person is, so that the same can be distinctly seen by passers-by; said placards or signs shall contain, printed thereon in large letters, the name of the disease from which said person is suffering, and, in small letters, a statement of the law in refer-

ence to entrance to and exit from such house, and in reference to interfering with such placard or warning sign; if such premises be a hospital, asylum, hotel, or apartment house said placards or warning signs may, in the discretion of said health officer, be placed in a conspicuous position or positions within said premises, at such place or places as said health officer may determine; said placards or warning signs shall be displayed as aforesaid until such premises and the contents thereof are disinfected to the satisfaction of said health officer, as certified by him, and for such time thereafter as may be necessary to demonstrate the freedom of occupants of said premises from contagious disease, namely, in the case of cholera and yellow fever, five days; typhus fever, twenty-one days; smallpox, sixteen days; the plague, fourteen days; and glanders, twenty-one days: *Provided*, That in addition to or in lieu of the placard or warning signs provided for above said health officer may station a watchman or watchmen at such building or premises for the purpose of securing compliance with the provisions of this act.

SEC. 6. *Removing placard.*—No person shall in said District, without written consent of said health officer, handle, deface, obliterate, remove, or in any manner conceal any placard or warning sign displayed as aforesaid; the person in charge of the building or premises where such placard or sign is or has been displayed, and which said placard or warning sign has been to his knowledge defaced, obliterated, removed, or concealed, shall forthwith report that fact in writing to said health officer unless he has good reason to believe that such placard or sign has been removed by authority of said health officer.

SEC. 7. *Isolation.*—It shall be the duty of the person in charge of any case of contagious disease in said District to cause such case, immediately upon the discovery thereof, to be removed to a room or rooms on the premises where it occurs, as far as practicable from rooms occupied by other person not affected by such contagious disease; to prevent the entrance into the building in which such sick person is of any person or persons except those dwelling therein at the time of the discovery of such disease therein, the physician or physicians in attendance, the nurse or nurses, and such persons as may be especially authorized in writing by said health officer to enter such building; to properly disinfect or cause to be properly disinfected all articles in use in the room or rooms in which such sick person is, and all excreta from such sick person before such articles or excreta are removed from said room; and within three days after the complete recovery, the death, or removal of such case, to cause the premises in which such sick person has been and the persons and articles thereon to be properly disinfected.

SEC. 8. *Disinfection.*—The disinfection required by this act shall be performed as follows:

(A) All dejecta, vomit, and sputum of persons suffering from contagious diseases shall be received and shall remain for not less than one hour in vessels containing a sufficient quantity of an acid solution of bichloride of mercury (bichloride of mercury, one part; hydrochloric acid, two parts; water, one thousand parts), or other germicidal agent which has been approved by said health officer.

(B) All articles which have been exposed to infection but not included among those enumerated in the preceding paragraph shall be (a) exposed for not less than thirty minutes to steam at a temperature of not less than one hundred and five degrees centigrade, or (b) boiled for not less than thirty minutes, articles to be disinfected to be completely submerged, or (c) soaked in the acid solution of bichloride of mercury aforesaid for not less than one-half hour, or in a two per centum aqueous solution of carbolic acid for not less

than four hours, or in other germicidal solution approved by said health officer, or thoroughly washed with such solution, or (d) exposed to the vapor of formaldehyde or other germicidal agent for such time and in such strength as may be specified by said health officer.

(C) Persons who have convalesced from any contagious disease or who have been exposed to such disease shall be thoroughly washed with soap and hot water and sponged with an acid solution of bichloride of mercury, as follows: Bichloride of mercury, one part; hydrochloric acid, two parts; water, two thousand parts; or other germicidal solution approved by said health officer. The bodies of persons who have died from any contagious disease shall be immediately enveloped in a sheet saturated with five per centum aqueous solution of carbolic acid or other germicidal solution approved by said health officer.

SEC. 9. *Health officer to disinfect, when.*—If the person who is or has been in charge of any case of contagious disease in said District shall fail or refuse to properly disinfect said premises, and persons and articles thereon, or cause the same to be properly disinfected, within three days after the removal, recovery, or death of such case, said health officer is hereby authorized to cause the same to be properly disinfected and to pay the cost thereof out of any appropriation available for the purpose, and the court before whom such person is tried may require him to pay such costs in addition to suffering such penalty as is hereinafter spcified: *Provided*, That when such person is unable, in the opinion of said health officer, to properly disinfect such premises, or any part thereof, or any person or persons, article or articles thereon, such premises or parts thereof, person or persons, article or articles may be disinfected by said health officer and the cost of such disinfection paid out of any appropriation available therefor, including payment for articles belonging to the poor necessarily destroyed.

SEC. 10. *Leaving quarantined premises.*—No person in said District suffering from any contagious disease, or residing either permanently or temporarily in any building where there is such disease (or, if such building be a hospital, asylum, hotel, or apartment house, in the apartments where there is such disease), shall leave such building, or apartments, except with a written permit from said health officer, and then only in accordance with the terms of said permit; or with a certificate from said health officer certifying that such person can leave said building or apartments without danger to public health.

SEC. 11. *Public exposure.*—No person in said District shall knowingly enter any building or if such building be a hospital, asylum, hotel, or apartment house, in the apartment in which exists any case or cases of contagious disease or any building infected by such disease except persons dwelling in such building at the time of the discovery of such disease therein, the attending physician or physicians, the nurse or nurses, and such other person as may be especially authorized in writing by said health officer to do so.

SEC. 12. *Dead bodies.*—No person shall, in said District, keep or retain the body of any person who has died of any contagious disease, except in accordance with the following provisions: Such body shall not be placed in an ice box, but shall, immediately after death, be completely enveloped, and shall thereafter remain so enveloped, in a sheet saturated with a five per centum aqueous solution of carbolic acid or other germicidal solution, as provided in section eight; such body shall then be immediately placed in a coffin or casket, which shall at once be tightly closed with screws or clamps and remain so closed; such body shall be buried, cremated, or transported beyond the limits of said District within thirty-six hours after death.

SEC. 13. No body of any person who has died of Asiatic cholera, yellow fever, typhus fever, smallpox, including varioloid, the plague, leprosy, or glanders,

shall be carried into or out of the District of Columbia except in transit: *Provided*, That this section shall not apply to the transportation of bodies in hearses or undertakers' wagons for burial in adjoining States.

SEC. 14. In said District the body of any person who has died of any contagious disease shall not be carried from place to place except for the purpose of burial, cremation, or shipment, nor in any conveyance other than a hearse or undertaker's wagon; such body shall not be taken into any place of public assemblage, nor shall any person attend the funeral of any such body except adult members of the immediate family of the deceased, his nearest friends, not exceeding two, and other persons whose attendance is actually necessary.

SEC. 15. *Removal, patient.*—No person shall, in said District, without a written permit from said health officer, and then only in accordance with the terms of said permit, carry or remove, or cause to be carried or removed, from place to place, any person suffering from any contagious disease, or who has been recently exposed to infection by such disease, and is liable soon to develop the same, or to carry the infection of such disease. No person shall, in said District, expose himself, or any other person, or permit his minor child or ward to expose himself, while suffering from any contagious disease or when, having been exposed to such disease, liable soon to develop the same or to carry the infection thereof.

SEC. 16. *Removal, infected things.*—No person shall, in said District, without a written permit from said health officer, and then only in accordance with the terms of said permit, carry or remove, or cause to be carried or removed, from place to place, any thing or things which have been exposed to any case of contagious disease and which have not been properly disinfected since such exposure as certified by said health officer.

SEC. 17. *School attendance.*—The principal, teacher, or other person or persons in charge of any school, seminary, college, or Sunday school in said District shall not permit any person to attend such school, seminary, college, or Sunday school who is or has been suffering from or exposed to any contagious disease and whose exclusion from such school, seminary, college, or Sunday school has been certified to by said health officer as in his opinion necessary to prevent the spread of such contagious disease; persons so excluded may be permitted to return to such school, seminary, college, or Sunday school upon the presentation of a certificate from said health officer that they may do so without danger of spreading such contagious disease.

SEC. 18. *Parents to avoid exposing children.*—No parent, master, or custodian of any child or minor, having power or authority to prevent, shall, in said District, permit such child or minor to be unnecessarily exposed or to needlessly expose any other person to the infection of any contagious disease.

SEC. 19. *Entering public conveyances.*—No person suffering from any contagious disease shall, in said District, enter any public conveyance, nor shall any person in charge of anyone so suffering permit such an one to enter such conveyance without previously making it known to the owner or driver thereof that he, or the person in charge, as the case may be, is suffering from such contagious disease; any person suffering from such disease and any person in charge of one so suffering having entered any public conveyance shall forthwith report in writing to said health officer the time of such use, the number and kind of conveyance used, and, if known, the name of the driver. The owner or driver of any public conveyance, either or both of them, in which has been conveyed any person suffering from a contagious disease shall immediately have such conveyance properly disinfected, and said conveyance shall not again be used until it has been disinfected to the satisfaction of said health officer, as certified by him.

SEC. 20. *Letting infected houses.*—No person shall, in said District, knowingly let, or cause to be let to any person, or put any other person in possession of, any house, room, or part of a house or room, in which any preson has been confined by reason of any contagious disease, until such house or room or part of a house or room has been disinfected to the satisfaction of said health officer, as certified by him.

SEC. 21. *Removal to hospital.*—Whenever any person in said District is an inmate of any premises occupied by three or more families, or of any tenement house, boarding house, lodging house, hotel, or apartment house, and is suffering from any contagious disease, and can not, in the opinion of said health officer, be properly isolated in such premises, tenement house, lodging house, hotel, or apartment house, said person shall be removed as expeditiously as possible, under direction of said health officer, to the public hospital or to such other place, satisfactory to said health officer, provided by and at the expense of said person, his parents or guardians; if such person can not, in the opinion of said health officer, be removed as aforesaid without endangering his life, said health officer may cause such persons in the vicinity to be removed as are in danger of contracting the disease. Any person suffering from any contagious disease, and requiring to be treated at public expense, may, at the discretion of said health officer, be removed to the public hospital for treatment.

SEC. 22. *Isolation rooms in hospitals.*—In every hospital and dispensary in said District there shall be provided and maintained a suitable room or rooms for the isolation of persons infected with any contagious disease aforesaid, or any other disease ordinarily recognized as contagious; such persons shall, immediately upon the discovery of the nature of their sickness, be separated from the other persons and other patients at such dispensary or hospital. It shall be the duty of the physician or physicians, of the officers, managers, and of everyone in charge of a hospital or dispensary, and of everyone who has any duty or office in respect to patients in course of treatment, or persons who apply for treatment or care at a dispensary or hospital, to see that a report is immediately made to said health officer of every person so applying, infected with any contagious disease mentioned in section one of this act, who comes to their knowledge, and that such person or persons infected with any contagious disease aforesaid, or any other disease ordinarily recognized as contagious, are properly isolated and kept separated from other persons and other patients.

SEC. 25. *Inspections.*—The Commissioners of said District be, and they are hereby, authorized and empowered whenever said District is, in their judgment, threatened or afflicted with any contagious disease to cause house-to-house inspections to be made, to require, especially, the cleansing and disinfection of premises or parts of premises, to provide accommodations for such persons as may be threatened by or afflicted with any of the diseases aforesaid, to provide gratuitous vaccination and distribution of disinfectants, and to do or cause to be done such other acts not contrary to law as may be necessary, in their judgment, to prevent the introduction or spread in said District of any disease aforesaid.

SEC. 26. *False certificate.*—No person shall, in said District, knowingly make, sign, or deliver any report or certificate, herein provided for, not in accordance with fact.

SEC. 27. *Right of entry.*—Said health officer, and any employee or employees of the health department of said District duly detailed for such purpose, shall have the right to enter and inspect premises or places in said District where there is, or is believed to be, one or more cases of contagious disease; such inspection to be made between the hours of seven o'clock antemeridian and

seven o'clock postmeridian, or at such other times as may, in the opinion of said health officer, be found necessary to secure the enforcement of the provisions of this act.

SEC. 28. *Hindering health officer.*—No person in said District shall molest, hinder, or in any manner prevent said health officer, or any person in the service of said health department, from performing any duty imposed upon him or them by the provisions of this act.

SEC. 29. *Penalty.*—Any person who shall violate, or aid or abet in violating, any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof be punished by a fine of not less than five dollars nor more than two hundred dollars, or by imprisonment in the jail of the District of Columbia, or in such other place as may be designated by the court, for not less than five days nor more than six months, or by both such fine and imprisonment, in the discretion of the court.

SEC. 30. *Prosecutions.*—Prosecutions under this act shall be in the police court of said District, in the name of said District, on information signed by the attorney of said District or one of his assistants at the instance of said health officer: *Provided*, That any person or persons tried under this act shall have the privilege, when demanded, of a trial by jury, as in other jury cases in said police court.

SEC. 31. *Arrests.*—Any person arrested in the District of Columbia for alleged violation of law, whose detention in the police station, workhouse, or jail would, in the opinion of the health officer of said District, expose the occupants of any such police station, workhouse, or jail to infection by any contagious disease aforesaid, or any other disease ordinarily recognized as contagious, may be confined in any hospital in which are treated patients suffering from such contagious disease as that by which said person is believed to be infected, or in such other place as may be designated by the court.

[34 Stats., 889.]

Reports.—Every person in charge of any patient in the District of Columbia who is suffering from diphtheria, scarlet fever, measles, whooping cough, chicken pox, epidemic cerebro-spinal meningitis, or typhoid fever, immediately after becoming aware of the existence of such disease, shall send to the health officer of said District a certificate, written in ink, signed by such person, stating the name of the disease, the name, age, sex, and color of the person suffering therefrom, and the school which he or she has attended, if any, and setting forth by street and number, or by other sufficient designation, the location of the house, room, or other place in which said patient can be found. When said patient recovers, or dies, said person in charge, as soon as possible thereafter, shall send to the health officer of said District a certificate, written in ink, certifying to that fact. But no person shall certify knowingly or negligently that any person has recovered from any disease aforesaid until such patient is in such condition as to be free from danger of communicating the disease from which he is suffering to other persons.

SEC. 2. The term "person in charge of any patient," as used in this act, shall be held to mean, first, each physician in attendance on, called in to visit, or examining a patient, unless called in to visit or examining the patient solely as a consultant to a physician already in attendance; second, in the absence or disability of any physician aforesaid, or in event of default on the part of such physician, the head of the family to which the patient belongs; third, in the absence or disability of such person, or in event of default on the part of

the physician aforesaid, the nearest relative or relatives of such patient present on the premises and in attendance on such patient; fourth, in the absence or disability of all persons aforesaid, or in event of default on the part of the physician aforesaid, every person in attendance on such patient. And in the cases of physicians and of persons acting in the capacity of physicians, attending, visiting, or examining any patient suffering from any disease aforesaid shall be prima facie evidence that any person so doing was aware of the nature of such disease.

SEC. 3. *Penalty.*—Any person who violates or aids or assists in violating any of the provisions of this act shall be punished, upon conviction thereof, by a fine not exceeding one hundred dollars or by imprisonment for not more than thirty days. Prosecutions under this act shall be in the police court of the District of Columbia on information signed by the corporation counsel of said District or by one of his assistants.

SEC. 4. *Regulations.*—The Commissioners of the District of Columbia be, and they are hereby, authorized to make such regulations as they deem necessary for the prevention of the spread of diphtheria, scarlet-fever, measles, whooping cough, chicken pox, epidemic cerebro-spinal meningitis, and typhoid fever, and to affix to such regulations such penalties as in the judgment of said Commissioners are necessary to secure compliance therewith.

[29 Stats., 281.]

Hospital regulations.—The Commissioners of the District of Columbia are hereby authorized to make rules and regulations for the government of said smallpox hospital.

[30 Stat., 635.]

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Hospitals for communicable diseases.—For construction and completion by the Commissioners of the District of Columbia of an isolating building for minor contagious diseases on the grounds of the Providence Hospital, * * * *Provided*, That said hospital shall receive at any time such patients suffering with minor contagious diseases as may be sent to it by the said Commissioners at the request of the health officer of said District. * * *

For construction and completion of an isolating building for minor contagious diseases on the grounds of the Garfield Memorial Hospital, * * * *Provided*, That said hospital shall receive at any time such patients suffering with minor contagious disease as may be sent to it by the Commissioners of the District of Columbia at the request of the health officer of said District.

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[28 Stat., 758; 2 Sup. R. S., 2d ed., 412.]

Location, hospitals.—Hereafter no other building for use as a public or private hospital for contagious diseases shall be erected in the District of Columbia within three hundred feet of any building owned by a private individual or any other party than the one erecting the building. All private hospitals in the District of Columbia, shall be required to secure a permit from the Commissioners of the District of Columbia, and said hospitals shall be at all times subject to inspection by the health officer of said District or his deputy, and any person or persons refusing to permit such inspection shall each be subject to a fine of not less than fifty dollars nor more than two hundred dollars for each of such refusals.

FLORIDA.

[General Statutes, 1906.]

1112. *State health officer.*—It shall be the duty of said board * * * to designate and employ a physician, who shall be an expert in diagnosis of yellow fever, smallpox, cholera, and other infectious diseases, and * * * said person shall be known as the State health officer. * * *

1128. *Assistant health officer.*—There shall be designated and employed by the State board of health an assistant State health officer who must also be a physician of experience and skilled in the diagnosis of infectious and contagious diseases. * * *

1113. *Absence during epidemic creates vacancy.*—* * * should any member of the said board be and remain absent from the State for ten days after any disease has been declared epidemic, the governor may declare his office vacant and proceed to fill the same by appointment, and should the health officer be and remain absent from the State for five days after his attention has been called to the presence of any disease in the State, the board of health may declare the office vacant and proceed to fill the same by designation and employment of a suitable person to perform the duties thereof.

1114. *Physicians to make certain reports.*—It shall be the duty of every practicing or licensed physician in the State of Florida to report immediately to the president of the board of health, by telegram or in the most expeditious manner, every case of yellow fever, small-pox or cholera that comes within his practice, such telegram to be paid for out of the funds provided for the expenses of said board of health.

1115. *Duties of president and health officer concerning investigation and quarantine.*—It shall be the duty of the president of the board of health, immediately upon the receipt of information that there is any case of yellow fever, small-pox, cholera or hydrophobia in any portion of this State, to order the State Health Officer by telegram, if he is not at hand, to proceed immediately to said place, and there to investigate the said reported case or cases of yellow fever, small-pox, cholera or hydrophobia, and to report to the said president by telegram the result of his said investigation; provided, that in cases of hydrophobia, the State Health Officer may be represented by any authorized agent or agents of the State Board of Health, and said State Health Officer shall have power, and it shall be his duty to declare said infected point, and animal or animals to be in quarantine and to place any and all such restrictions upon ingress and egress of animals or persons thereat as, in his judgment, shall be necessary to prevent a spread of the disease from the infected locality, or animal or animals; and it shall be the duty of the State Health Officer, when he shall have declared any city, town or other place or animals, to be in quarantine, to so control the population or animals of said city, town or other place, and make such disposition of the same as shall in his judgment appear best to protect that population, and at the same time prevent a spread of the infection or running at large of animals infected with rabies among the same. The sheriffs and constables of the several counties of this State and the police officers of all the cities and towns of this State, shall be under the control of the said State Health Officer to enforce and carry out any and all quarantine regulations that he may prescribe, which said regulations shall be immediately published in the most practicable manner in the several counties, cities, towns or other places where quarantine may be established; and said State Health Officer shall make immediate report of his actions and doings in the premises to the

president of the board of health, and from time to time, so long as quarantine shall continue.

1116. *Duty of Governor to furnish means of enforcing quarantine.*—It shall be the duty of the Governor of this State, whenever called upon by the State Health Officer so to do, to furnish the said officer with all requisite means to enforce whatever quarantine regulations it may be necessary in his judgment to prescribe, including such armed force from the militia of the State as in the judgment of the Governor may be required, upon information furnished by said officer.

1117. *Duties of State Health Officer.*—The State Health Officer, under the direction of the State Board of Health shall have the general administrative and executive control of all the maritime and domestic quarantine systems of the State. He shall have the power to make arrests without warrants for any violation of the quarantine rules and regulations of the State Board of Health after they have been duly promulgated. He shall also have power to deputize sanitary agents for that purpose. In all such cases the person or persons arrested for violating the quarantine and sanitary rules aforesaid shall be surrendered without delay to the custody of the nearest sheriff and formal complaint made against him, her, or them in accordance with law.

1118. *Quarantine, etc.*—No quarantine regulations of commerce or travel (sea coast or inland) shall be instituted or operated by any port, place or county of this State against any other port, place or county in this or any other state or any foreign country, except by authority of the State Board of Health.

1119. *Regulations concerning railways and vessels.*—The board of health shall have power, and it shall be their duty at all times, to impose upon all railway and navigation companies, and upon all individuals who may own or operate steamships or other vessels plying between any of the West Indian, South American, or any other foreign ports and the ports of the State of Florida, such restrictions and regulations as to inspection, quarantine and sanitary rules as in their judgment may be necessary to protect the health of the people of this State, and which may not be in conflict with the acts of Congress already passed, or that may hereafter be passed, and do not amount to an absolute interruption of commerce with said foreign ports; Provided, that whenever any case of yellow fever, smallpox, cholera or other infectious disease shall appear, or be developed among the passengers, officers or crew of any such steamship or other vessel, said steamship or other vessel shall be ordered in quarantine for such time and under such regulations as may be prescribed by said board of health; provided further, that should said board of health at any time be convinced that yellow fever, smallpox, cholera or other infectious disease exists in any foreign port, in such form that the landing of any steamship or other vessel hailing from said infected foreign port, at any of the ports in Florida, will put in peril the health of the people of said State, it shall be duty of said board to put all and any such steamships or vessels, their crew, passengers and cargo, in quarantine for such time and under such rules and regulations as may be prescribed by said board of health; provided further, that said board of health shall charge and receive from such vessels undergoing inspection or sanitation, as provided in this section such fee or fees as said board may prescribe.

1120. *General powers of board.*—The State Board of Health shall have the general supervision of the public health of the State of Florida, and shall have power to make, promulgate and enforce such rules and regulations as may be necessary for the preservation of the same, and to prevent the importation or spread of hydrophobia.

1121. *Visits by health officer and condemnation of certain property.*—It shall be the duty of the State Health Officer, between the first of November and the first of May of each and every year, and oftener, if deemed necessary by the board, to visit all the cities and towns or other points where two or more railroads meet, in the State of Florida, which in the judgment of the board it may be necessary for him to inspect, and to thoroughly investigate the sanitary condition of said cities or towns; and he shall have the power, and it shall be his duty, to condemn in any of said cities or towns any sidewalks, pavements, buildings, wharves, or other things that in his judgment shall be likely to produce or cause the spread of epidemic diseases; and he shall give notice to the mayor and council of such city or town, or other authority, to repair, remove, cleanse, or remedy the same within thirty-six hours. and if the same shall not be done, as so required, it shall be his duty to have the same done himself, and the expense thereof shall be paid out of the health fund hereinafter provided, and be afterward assessed as a tax upon the assessable property of said city or town, to be assessed by the county assessor upon the notification by the health officers of the amount, and collected by the county collector at the next annual assessment and collection thereafter, said amount so realized to be replaced in the health fund of the State by the proper authorities. Provided, A list and memorandum of property to be condemned shall be made and valuation placed upon the same by three disinterested freeholders, one to be selected by said health officer, one to be selected by said owner of the property or his agent, and the third to be selected by the two freeholders already selected, before being condemned or destroyed, and the value of the private property that may be condemned and ordered to be destroyed by the health officer, shall be paid to the owner thereof out of any funds provided and appropriated for the expenses of the State Board of Health, upon the certificate of said health officer that said property was so destroyed, approved by the board of health and endorsed by the president of the board.

1125. *Board may abrogate quarantine.*—The State board of health shall have the power, after close personal inspection, to modify or abrogate any and all quarantine regulations after they may be established by said State health officer.

1126. *With consent of governor may call on General Government.*—The State board of health shall have the power, by and with the consent of the governor, when the occasion demands it, to call upon the General Government for such aid as the necessities arising out of any epidemic may require.

1131. *One-half mill tax for State Board of Health.*—There shall be levied and collected annually upon the assessable property of the State a tax of one-half of one mill to create a special fund for the maintenance and support of the State board of health other than for maintenance of quarantine or maritime sanitation.

1146. *Physicians to report suspicious cases of diseases.*—Whenever a physician or other person, shall report a suspicious case of disease to the State Board of Health as required by the provisions of Section 3619 of the General Statutes of Florida, he shall also immediately give notice thereof to the city health officer, if there be any health officer, and if not, to the mayor of the incorporated city or town in which the sick person may be; or if the sick person resides or be found outside of the limits of a city or town, to the county health physician or his representative, if there be any, and if not, to the chairman of the county commissioners of the county within which the sick person may be.

1147. *Duty of health officer.*—It shall be the duty of the city or county health officer, or the mayor, or the chairman of the board of county commissioners, to whom a suspicious case of disease is reported in accordance with the provisions of the preceding section, to take immediate measures to examine the case reported, to furnish medical attention, food, clothing, and whatever may be necessary to care for, segregate and guard such suspicious reported case, in accordance with the rules and regulations of the State Board of Health for the protection of the public health now in force, or hereafter adopted, and shall manage and control such case or cases until the arrival of the State Health Officer or his agent.

1148. *Health authorities to assume control in certain cases.*—Whenever the State Health Officer shall investigate any suspicious case or cases of diseases, in accordance with the provisions of Section 1147 of these General Statutes, and shall determine that such disease is contagious or infectious and a menace to the public health of the citizens of the State, then, he or his agent shall assume charge and management of all and every such case of contagious and infectious disease. All necessary and legitimate expenses attendant upon such case or cases of diseases, after the State Health Officer or his agent shall have investigated and determined the same and assumed management and control, shall be paid out of the public health fund of the State on vouchers approved by the president of the State Board of Health as now provided by law.

3619. *Physicians to report certain diseases.*—Whoever, being a licensed or practicing physician, fails to report immediately to the president of the State Board of Health by telegram (to be paid for out of the funds to be provided for the expenses of the said Board of Health), or in the most expeditious manner, every case of yellow fever, small-pox or cholera that comes within his practice, shall be punished by imprisonment not exceeding six months, or by fine not exceeding one thousand dollars.

3620. *Suspicious cases of contagious or infectious diseases.*—Any physician, city health officer, mayor, county health physician, or chairman of the board of county commissioners, who shall neglect or fail to comply with the provisions of Sections 1146 to 1148, shall, upon conviction, be liable to a fine of one hundred dollars or imprisonment for thirty days.

3621. *Disseminating rumors of disease.*—Whoever falsely or maliciously disseminates or spreads rumors or reports concerning the existence of any infectious or contagious disease shall be punished by imprisonment not exceeding six months, or by fine not exceeding one thousand dollars.

3622. *Disobeying quarantine regulations.*—Whoever violates, disobeys, omits, neglects or refuses to comply with any quarantine regulations which may be established by the State Health Officer, or any of the rules and regulations which may be duly promulgated by said State Health Officer or said State Board of Health, shall be punished by imprisonment not exceeding six months, or by fine not exceeding one thousand dollars.

3623. *Obstructing officer.*—Whoever interferes with, hinders or opposes any agent, officer or member of the State Board of Health in the discharge of his duty as such, shall be punished by imprisonment not exceeding six months, or by fine not exceeding one thousand dollars. Nothing in this section shall prevent a member or any officer of the State Board of Health from exercising or performing any of the requirements of law relative to the State Board of Health, or any of the rules and regulations of said State board.

3624. *Physicians must report vital statistics.*—Any physician, midwife, nurse or head of a family, whose duty it is to make report, and who fails to make report of vital statistics, as required by law, shall be fined not more than fifty dollars, or imprisoned not over thirty days.

[Acts of 1909, ch. 62.]

SECTION 1. *General powers, State board of health.*—The State board of health shall have the power to make, adopt, promulgate, and enforce rules and regulations from time to time requiring and providing for the thorough sanitation and disinfection of all passenger cars, sleeping cars, steamboats, and other vehicles of transportation in this State, and also of all convict camps, penitentiaries, jails, factories, hotels, schools, and other places used by or open to the public; to provide for the treatment, segregation, and disinfection of animals having communicable contagious, or infectious diseases; to provide for the care, segregation, and isolation of persons having, or suspected of having, any communicable, contagious, or infectious disease; to regulate the method of disposition of garbage or sewage and any other refuse matter in or near any incorporated city or town or unincorporated town or village of this State; to provide for the thorough investigation and study of the causes of all diseases, epidemics, and otherwise, in this State, and the means for prevention of contagion and disease, and the publication and distribution of such information as may contribute to the preservation of the public health and the prevention of disease; to supervise and regulate municipal and county sanitation; and to make separate orders and rules to meet any emergency not provided for by general rules and regulations for the purpose of suppressing nuisances and communicable, contagious, and infectious diseases and other dangers to the public life and health: *Provided, however*, That nothing herein contained shall be construed as in any wise preventing or restricting any person so segregated or isolated from choosing his own method of treatment, or in any wise limiting any diseased person in his right to choose or select whatever method or mode of treatment he may believe to be the most efficacious in the cure of his ailment: *Provided, however*, That nothing herein contained shall be construed as in any wise limiting any duty, power, or powers now possessed by or heretofore granted to the said State board of health by the statutes of this State, or as affecting, modifying, or repealing any rule or regulation heretofore adopted by said board.

SEC. 2. *Penalty.*—Any person who shall violate, disobey, refuse, omit or neglest to comply with any rule of said State board of health made by it in pursuance of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished in the manner provided by law for violation of the rules of said board.

GEORGIA.

[Code of 1911, Vol. 1.]

SEC. 1662. *Powers and duties of the State board of health.*—The State board of health shall have supervision of all matters relating to the preservation of the life and health of the people of the State. It shall have supreme authority in matters of quarantine and may declare and enforce it when deemed necessary. It shall make and enforce reasonable orders or regulations for the prevention of the spread of contagious or infectious diseases. It shall be the duty of all local boards of health and the public and municipal officers of this State to enforce such quarantine and sanitary rules and regulations as may be adopted by the State board of health, and upon failure of any such officer to obey the quarantine and sanitary rules and regulations adopted by the State board of health, such person shall be subject to a fine of not more than $50. The State board of health shall make careful inquiry as to the cause of diseases, and especially when contagious, infectious, epidemic, or endemic, and take prompt action to control and suppress it. * * * It shall respond

promptly when called upon by the State or local government and the municipal and township boards of health to investigate and report upon the water supply, sewerage, disposal of excreta, or ventilation of any place or public buildings. * * * It is made the duty of the State board of health to enforce the provisions of chapter 5 relating to health and quarantine in so far as the same may be done without violating any of the provisions relating to the duty of local boards of health; and the fines and forfeitures arising from the conviction of any person violating any of the laws of health and quarantine now of force in this State, or any violation of any reasonable rules and regulations for the protection of the public health of this State promulgated by the State board, shall be paid into the treasury of the city or county where said conviction was had, and be expended in aid of the quarantine and other sanitary laws.

SEC. 1667. *Rules and regulations, etc.*—The board shall have authority to make such rules and regulations as are necessary to carry into effect the scope and purpose of this act, and especially such reasonable rules and regulations for the establishment, maintenance, and enforcement of quarantine regulations as the board in its discretion may deem necessary, not in conflict with the laws of the State.

SEC. 1668. *Reports; Powers, State board in local affairs.*—It shall be the duty of the local boards of health, and of physicians in localities where there are no health authorities, to report to the State board of health promptly upon the discovery thereof, the existence of any of the following diseases, to wit: Asiatic cholera, yellow fever, scarlet fever, smallpox, diphtheria, typhus or typhoid fever, and of such other contagious or infectious diseases as the State board of health from time to time may specify; and when any contagious or infectious disease shall become, or threaten to become, epidemic in any county, city, village, or hamlet, and the local authorities shall neglect or refuse to enforce sufficient measures for its prevention, the State board of health may appoint a medical or sanitary officer with such assistants as he may require, and it shall be the duty of such officer to enforce the orders or regulations of the State board.

SEC. 1669. *Annual report.*—* * * such report shall include * * * such knowledge respecting diseases, and such instructions on the subject of hygiene as may be thought useful by the board for dissemination among the people * * *.

[Acts of 1911, p. 28.]

(8) *Appropriation.*—For the State board of health—

* * * * * * *

For traveling expenses and per diem of the members of the State board of health, for the laboratory, bacteriological work, yellow-fever work, the dissemination of information concerning smallpox, typhoid fever, hookworm diseases, tuberculosis, and other infectious diseases, and the examination of water from towns and cities of the State; for the furnishing of vaccine points and other information improving the public health; for the manufacture and transportation of both attenuated virus for treating and preventing rabies or hydrophobia; and for the manufacture and distribution of diphtheretic antitoxin, both of which shall be supplied, where necessary, free of charge to the people of Georgia, the sum of $27,500, or so much thereof as may be needed: *Provided*, That not exceeding $1,000 of said sum shall be expended for all traveling expenses, and to be paid only on itemized accounts to be approved by the chairman of the board: *And provided further*, That said board shall submit through its chairman to the governor itemized accounts of all expenditures.

[Code of 1911, vol. 1.]

SEC. 1670. *Regulations by county authorities.*—The county authorities of the several counties who have charge of county matters, being the ordinary or county commissioners, as the case may be, shall have full power and authority to adopt, enact, establish, and maintain all such rules and regulations not inconsistent with the laws and constitution of this State and of the United States as they may deem necessary and proper for protecting the health of their respective counties and for preventing the introduction, generation, and spread of infectious and contagious diseases therein: *Provided*, That such rules and regulations shall not apply to any incorporated city or town of this State.

SEC. 1673. *Expenses, etc.*—All cost and expense necessary and proper for carrying out the provisions of this chapter shall be paid out of the county treasury.

SEC. 4796. The ordinary, when sitting for county purposes, has original and exclusive jurisdiction over the following subject matter, to wit:

8. In making such rules and regulations * * * for the promotion of health and quarantine, as are granted by law or not inconsistent therewith.

[Code of 1911, vol. 2.]

SEC. 502. *Violating county health regulations.*—Any person who shall violate any one or more of the sanitary rules and regulations by county authorities, mentioned in sections 1670, 1671, and 1672 of the civil code, after being personally served with a written or printed copy of the same, shall be guilty of a misdemeanor.

SEC. 492. *Governor to take action.*—The Governor may, by proclamation, whenever he shall deem it necessary, give such orders to prevent the spread of contagious or infectious diseases within the State, and make such appointments and regulations concerning the same, as shall by him be deemed proper, and be stated in such proclamation, and any person violating such orders or regulations may be punished as for a misdemeanor.

SEC. 493. *Concealing disease.*—Any physician or other person who shall conceal a case of smallpox, or varioloid, or any modification of the same, within any incorporated city, town, or in any county, by not giving immediate notice thereof to the mayor, intendant, or health officer, or ordinary, shall be punished as for a misdemeanor.

SEC. 494. *Spreading smallpox.*—Any physician, surgeon, or other person, willfully endeavoring to spread the smallpox, without inoculation, or by inoculation with matter of the smallpox, or using any other inoculation than that called vaccination, unless by special commission or authority from the court of ordinary of the county where the smallpox shall make its appearance, shall be guilty of a misdemeanor.

SEC. 495. *Quarantine of vessels.*—The corporate authorities of a town or city may prescribe the quarantine to be observed by all vessels arriving within the harbor or vicinity of such town or city, and regulations therefor, not contrary to law, and such regulations may extend to all persons, goods and effects arriving in such vessels, and to all persons going on board of the same. Any person violating such regulations, after personal notice, or after other notice thereof, given for five days, in such manner as may be prescribed by such corporate authorities, or in the absence of any mode so prescribed, by notice of such regulation, for five days, in some newspaper in such town or city, or, where there is no newspaper, by notice posted up at some public place in such town or city, for the same length of time, shall be guilty of a misdemeanor:

Provided, nothing herein contained shall prevent the infliction, by the corporate authorities having power to pass ordinances or by-laws, of such other penalty, not exceeding one hundred dollars fine, in lieu of the penalty first above named, as may be prescribed in such ordinance or by-law.

SEC. 496. *Duties of quarantine officer.*—The health officer or visiting physician of such town or city may, under the direction of the corporate authorities, cause any vessel arriving therein, or in the vicinity, if the vessel or cargo is in his opinion so foul or infected as to endanger the public health, to be removed to the quarantine ground or other proper place to be inspected, and any master, seaman, or passenger belonging to a vessel supposed to have any infection on board, or from a port where any dangerous infectious disease prevails, refusing to answer on oath such inquiries as may be made by any health officer, relating to any infection or disease, shall be guilty of a misdemeanor.

SEC. 497. *Duty of ships masters.*—The master of any vessel ordered to perform quarantine shall deliver, to the officer appointed to see it performed, his bill of health and manifest, log-book and journal; if he fails to do so, or to repair, in proper time, after notice, to the quarantine ground, or shall depart thence without authority, he shall be punished as for a misdemeanor.

SEC. 498. *Land quarantine.*—Any person coming into town or city by land from a place infected with a contagious disease, may be compelled to perform quarantine by the health officer, under the direction of the corporate authorities, and restrained from traveling until discharged; and any person thus restrained, traveling before he is discharged, may be punished as for a misdemeanor.

SEC. 499. *Duties of pilots.*—It shall be the duty of any pilot, before entering on board of any vessel, to make strict inquiry of every master or commander of the same as to the state of health in such vessel, and in case it be found that any malignant, contagious or infectious disease is on board such vessel, and such pilot shall enter therein, he shall be punished as for a misdemeanor, and removed from office; and any such master or commander refusing to answer any such reasonable inquiry, or giving false information in answer, shall be guilty of a misdemeanor.

SEC. 500. *Penalty violation of quarantine.*—If any person on board such ship or vessel in which such disease shall exist, or whilst such ship or vessel is performing quarantine, shall come, or be permitted to come, on shore or land from such vessel, without permission from the proper authority, he shall be guilty of a misdemeanor; and any person going on board such vessel (except the health officer or visiting physician) and returning without such permission, shall be liable to the same penalty.

SEC. 501. *Penalty.*—Any person who shall come into this State, by land or water, from any place infected with a contagious disease, and in violation of quarantine regulations, shall be indicted in any county in which he may be found, and shall be punished as for a misdemeanor.

SEC. 477. *Second-hand clothing not to be imported.*—If any person shall bring into this state for sale, or shall buy, barter or receive for the purpose of selling, any second-hand or cast off clothing, he shall be punished as for a misdemeanor.

SEC. 478. *Proviso.*—The foregoing section shall not apply to second-hand clothing which shall be accompanied by a certificate from the proper officer of the board of health from which such clothing may have been shipped, stating that it has been properly disinfected, that there is no danger from it of spreading contagious diseases, and giving the character and number of garments and the date when they were disinfected, which certificate shall be recorded in the clerk's office of the superior court of the county where the clothing is offered for sale and before the offer is made.

SEC. 1632. *Taking buildings.*—Analogous to the right of eminent domain is the power from necessity vested in corporate authorities of cities, towns, and counties, to interfere with and sometimes to destroy the private property of the citizen for the public good * * * or the taking possession of buildings to prevent the spreading of contagious diseases. In all such cases, any damages accruing to the owner from such acts, and which would not otherwise have been sustained, must be paid for such corporation.

SEC. 1633. *Establishment pesthouses.*—The authorities of any town or city may establish in them, respectively, or in the vicinity thereof, hospitals or pest-houses, to be subject to such regulations as the corporate authorities may make to prevent the spread of infectious or contagious disease; but in all cases where such hospitals or pest-houses shall be established out of the limits of such towns, they shall be only on land acquired by such corporation, for protection against the spread of disease within its own limits; in all other cases the ordinaries are vested with power to establish such hospitals and make such regulations.

SEC. 1634. *Quarantine, vessels.*—The corporate authorities of such town (any town or city) may, from time to time, prescribe the quarantine to be observed by all vessels arriving within the harbor or vicinity of such town, and regulations therefor, not contrary to law; and such regulations may extend to all persons, goods, and effects arriving in such vessels, and to all persons going on board of the same. Any person violating such regulations, or any of them, after personal notice, or after other notice thereof, given for five days, in such manner as may be prescribed by such corporate authorities, or, in the absence of any mode so prescribed, by notice of such regulation for five days in some newspaper in such town, or, where there is no newspaper, by notice posted up at some public place in such town for the same length of time, shall be guilty of a misdemeanor: *Provided*, nothing herein contained shall prevent the infliction by the corporate authorities having power to pass ordinances or by-laws of such other penalty, not exceeding one hundred dollars fine, in lieu of the penalty first above named, as may be prescribed in any such ordinance or by-law.

SEC. 1635.—Any town may establish a quarantine therefor at any place within the harbor, if a seaport town, but in such manner as not to interfere with the rights of private property; and the jurisdiction of the corporation of Savannah shall, in cases of quarantine, extend to all ships and vessels which shall enter at any port or inlet from Ossabaw Sound to Tybee, and the jurisdiction of the corporation of Darien shall, in cases of quarantine, extend to all ships and vessels which shall enter at any port or inlet from St. Catharine's to Doboy Sound, and the jurisdiction of the corporation of Brunswick shall, in cases of quarantine, extend to all ships and vessels which shall enter any port or inlet from Altamaha Sound to St. Andrew's Sound, and the jurisdiction of the corporation of St. Mary's shall, in cases of quarantine, extend to all ships and vessels which shall enter any port or inlet from Cumberland Sound to St. Mary's river, including all inlets, rivers, and creeks within those limits.

SEC. 1636. *Inspection of cargoes.*—The health officer or visiting physician of such town may, under the direction of the corporate authorities, cause any vessel arriving therein, or in the vicinity, if the vessel or cargo is in his opinion so foul or infected as to endanger the public health, to be removed to the quarantine-ground, or other proper place, to be inspected.

SEC. 1637. *Arrests.*—If any person ordered to perform quarantine shall escape, any justice, on complaint thereof on oath, may issue his warrant to the sheriff, constable, or town marshal, to arrest and deliver such person to the custody of the officers of the quarantine, and any person attempting to escape may be forcibly detained at the place of quarantine by such officers.

SEC. 1638. *Bill of health.*—The master of any vessel ordered to perform quarantine shall deliver to the officer appointed to see it performed his bill of health and manifest, log-book and journal.

SEC. 1639. *Persons from infected places.*—Any person coming into town by land from a place infected with a contagious disease may be compelled to perform quarantine by the health officer, under the direction of the corporate authorities, and restrained from traveling until discharged.

SEC. 1640. *Duties of pilots.*—It shall be the duty of any pilot, before entering on board of any vessel, to make strict inquiry of every master or commander of the same as to the state of health in such vessel, and in case it be found that any malignant, contagious, or infectious disease is on board such vessel, such pilot shall not enter therein, under the penalty of one hundred dollars and removal from office; and any such master or commander refusing to answer any such reasonable inquiry, or giving false information in answer, may be fined in a sum not exceeding five hundred dollars.

SEC. 1641. *Persons not to leave quarantined ship.*—No person on board such ship or vessel in which such disease shall exist, or whilst such ship or vessel is performing quarantine, shall come or be permitted to come, on shore or land from such vessel, without permission from the proper authority, under the penalty of fine and imprisonment at the discretion of the court, and any person going on board such vessel (except the health officer or visiting physician) and returning without such permission shall be liable to the same penalty.

SEC. 1642. *Governor may take action.*—The Governor of this State may, by proclamation, whenever he shall deem it necessary, give such orders to prevent the spread of contagious or infectious diseases within the State, and make such appointments and regulations concerning the same, as shall by him be deemed proper, and be stated in such proclamation.

SEC. 1643. *Payment of fines.*—All fines and forfeitures arising out of the violation of any quarantine or other sanitary regulation shall be paid, after deducting the proper expense of collection, into the treasury of the city or county, and may be expended in aid of the quarantine and other sanitary laws, and toward the support of the poor thereof.

SEC. 1644. *Duty of port health officer.*—It shall be the duty of the health officer of any port, or the authorized visiting physician thereof, after a vessel shall have duly performed quarantine, to give a certificate thereof to the master or commander, under a penalty for every refusal, of one hundred dollars; and in case of such refusal, or of there being no such health officer or attending physician of the port or place, such certificate shall be granted by constituted authorities of such port or place; the fee for such certificate shall be two dollars for every vessel of more than two hundred tons, and one dollar for every vessel of not more than two hundred tons.

SEC. 1645. *Fee.*—For visiting any vessel when required, and granting a certificate of the health of the crew and passengers on board, the fee of the health officer or visiting physician, to be paid by the master of such vessel before she shall be permitted to enter, shall be two dollars; coasting vessels coming from one inlet in the State to another inlet in the same, excepted.

SEC. 1646. *Smallpox hospital.*—The ordinary of each county, or the corporate authorities of any town or city in this State, within the limits of which the smallpox has appeared, or may appear, are authorized and empowered to pro-

vide a suitable hospital for those so afflicted, and to furnish them with medical or any other attention that in their judgment those so afflicted may require.

SEC. 1647. *Quarantine against smallpox.*—Such ordinary or corporate authorities may also provide proper quarantine regulations to prevent the spread of said disease: *Provided*, that no person shall be forced to leave his or her home to go to the hospital aforesaid, when they are properly provided for and guarded at their own expense; said court shall not pay any expense of any case so situated.

SEC. 1648. *Account of expenses.*—Said ordinary or corporate authorities shall make, or cause to be made, a proper and just account of all expenses accruing from such quarantine and other attention, either medical or nursing, of all they may have under control, and who submit to the regulations of said court or corporate authorities.

SEC. 1649. *Vaccine.*—The Governor is authorized and required to procure the necessary quantity of genuine vaccine matter, either by purchase or manufacture, at such reasonable compensation as he may contract for, and have the same transmitted to the ordinaries of each county in this State for immediate use.

SEC. 1663. *Diphtheria antitoxin.*—The State Board of Health shall ship and keep with the Ordinaries of the Counties in this State, a reasonable supply of diphtheria antitoxine for the purpose of supplying the needs of the physicians in each county of this State, for charitable purposes only, and shall keep the proper dates on all packages so shipped, and the Ordinaries of the counties are and city hospitals of each county in this State, as demands are made by them, for the treatment of diphtheria in said hospitals, for such amount as they may need.

SEC. 1664. *How supplied.*—The said Ordinaries of each county in this State, while being required to furnish antitoxine for charitable purposes only, are authorized to furnish antitoxine to purchasers of same, who are unable to purchase antitoxine from the registered pharmacists in their county at a price at the regular retail price, at which said dealers usually sell first-class antitoxine, as conforms to the United States Pharmacopœia requirements.

SEC. 1665. *Revenue from sale of antitoxin.*—The revenue derived from the sale of said antitoxine, with the exception of ten per cent., which may be deducted by the Ordinaries for their expenses, shall be returned to the Georgia State Board of Health, to be used in the manufacture of said antitoxine.

HAWAII.

[Revised laws, 1905.]

SEC. 988 (as amended by act 132, 1911). *Territorial board of health; how constituted; powers and duties.*

* * * * * * *

The board shall have the general charge, oversight, and care of the health and lives of the people of the Territory. It shall have authority in matters of quarantine and other health matters and may declare and enforce quarantine when none exists and modify or release quarantine when it is established. It shall be the duty of all county and city and county health authorities, sheriffs, and police officers, and all other officers and employees of the Territory, and every county or city and county thereof, to enforce the rules and regulations of the board of health. Such powers in health matters as have been or may be conferred upon any county or city and county, shall be concurrent with those of the board of health. * * *

* * * Said board shall also, during the prevalence of any severe pestilence, or epidemic, publish a weekly report of the public health.

SEC. 989. *Expenses.*—For the purpose of carrying into effect the laws relating to the public health, the board of health is invested with full power to apportion and disburse all sums of money that shall be appropriated by the legislature for the preservation of the public health. The said board shall observe the strictest economy in the expenditure of all public moneys placed under its control.

SEC. 991 (as amended by act 132, 1911). *Regulations.*—The board of health, with the approval of the governor, may make such regulations respecting * * * water in which mosquito larvæ breed, * * * causes of sickness or disease, within the respective districts of the Territory, and on board of any vessels; * * * privy vaults and cesspools; * * *

Said board shall, with the approval of the governor, also make such regulations as it may deem necessary for the public health and safety, respecting any articles which are capable of containing or conveying any infection or contagion, or of creating any sickness, when such articles shall be brought into or conveyed from any district, or into or from any vessel.

SEC. 993. *Penalty.*—Every person who shall violate any regulation of the board of health after the same shall have been published, as provided in section 992, shall be fined not exceeding $100.

SEC. 994 (as amended by act 111, 1911).—*Inspection, mosquito breeding places.*—The Board of Health and its agents shall examine into all * * * water in which mosquito larvæ breed * * * and all causes of sickness or disease, on shore, and in any vessel, which may be known to them or brought to their attention, which in their opinion are dangerous or injurious to health, and shall cause the same to be abated, destroyed, removed, or prevented.

SEC. 995 (as amended by act 111, 1911).—*Mosquito breeding places.*—Whenever any such * * * water in which mosquito larvæ breed, * * * or cause of sickness or disease, shall be found on private property, the said Board shall cause notice to be given to the owner or owners to remove and abate the same at his or their own expense within such reasonable time as the Board may deem proper; a duplicate of the notice so given shall be left with one or more of the tenants or occupants of the premises; if the owner resides out of the Territory or cannot be reached with notice speedily, notice left at the house or posted on the premises shall be deemed sufficient, and if the owner or owners thus notified shall not comply with such notification or order of the Board of Health, or its agent, within the time specified, the Board, or its agent, shall proceed to * * * remove, destroy or prevent the * * * water in which mosquito larvæ breed, * * * or cause of sickness or disease, or other thing detrimental to public health, and said Board shall have a right to recover by action the expenses incurred by it in such abatement, removal, destruction or prevention, from any person or persons who shall have caused or allowed such * * * water in which mosquito larvæ breed, * * * or cause of sickness or disease, or other thing detrimental to the public health, and from any owner, tenant or occupant of the premises, who, after notice as aforesaid, shall have failed to abate, remove, destroy or prevent such * * * water in which mosquito larvæ breed, * * * or cause of sickness or disease, or other thing detrimental to the public health within the time specified in such notice.

SEC. 995A (added by act 111, 1911).—*Abatement.*—Whenever any such * * * water in which mosquito larvæ breed, * * * cause of sickness or disease, shall be found on public property or on a public highway, street, lane, alley, or other public place, notice shall be given by said Board, or its agent,

to the person or persons officially in charge thereof, and such person or persons shall be notified to abate, destroy, remove or prevent the same; and in case of failure to comply with such notice, the mode of procedure shall be the same as hereinbefore provided in case of private persons in Section 995.

SEC. 997 (as amended by act 111, 1911).—*Entering premises.*—Whenever any member of the Board of Health, or its agent, shall deem it necessary for the preservation of the lives or health of the public to enter any land, building or vessel for the purpose of examining into, abating, destroying, removing or preventing any * * * water in which mosquito larvæ breed, * * * or cause of sickness or disease, or other thing detrimental to the public health, and shall be refused such entry, such member or agent may make complaint to the district magistrate in whose district such nuisance, source, place, or cause is, and such district magistrate may thereupon isue a warrant, directed to any sheriff, deputy sheriff or police of said district, commanding him to take sufficient aid, and, being accompanied by such member of said Board or agent, between the hours of sunrise and sunset, to repair to the place described in said complaint, and to abate, destroy, remove or prevent, under the directions of such member or agent, such nuisance, source or cause.

SEC. 1000 (as amended by act 111, 1911). *Penalty.*—Any person who shall violate any of the provisions of this chapter, or who shall violate any order made by said board in pursuance of the provisions of this chapter, shall, upon conviction, be fined not more than $100, and the court may, in its discretion, order the defendant, under the supervision of said board or its agent, to carry out at his own expense the provision or order violated, and no appeal shall suspend or affect such order pending the appeal.

[Acts of 1913, ch. 168.]

SECTION 1. *Appropriation.*—The following sums are hereby appropriated for the objects hereinafter expressed for the biennial period ending June 30, 1915, out of moneys in the treasury received from the general revenues:

Board of health.

[P. 306.]

* * * * * * *

Medical and quarantine service and supplies:	
Bacteriologist and pathologist (Oahu)	$4,800
Bacteriologist and pathologist (Hawaii)	4,800
Laboratory assistants	4,000
Laboratory equipment and expenses	4,000
Pay of government physicians: *Provided*, That no salary shall be allowed or paid unless the physicians employed or appointed in the several districts to which they are appointed shall treat the indigent free of charge	42,200
Bureau of Child Hygiene	2,000
Quarantine, fumigation, disinfection, medical services, medical supplies, and suppression of contagious diseases	48,000
Prevention and cure of tuberculosis	38,000
Aid to tuberculosis hospitals and homes	27,600
Vaccination supplies	3,450
Rat campaign, Territory	24,000

Medical and quarantine service and supplies—Continued.

Mosquito campaign, Territory	$30,000
Repairs, etc., quarantine stations	6,000
* * * * * * *	
Care of lepers and their children	437,130
Kapiolani Girls' Home and Kalihi Boys' Home	40,000
* * * * * * *	

[Acts of 1905, ch. 39.]

SEC. 62. *County sanitary powers.*—The board of supervisors of each county shall have * * * the following specific powers:

5 (as amended by ch. 98, acts of 1909). To make and enforce within the limits of the county all necessary ordinances covering all local police matters and all matters of sanitation; and no ordinance shall be held invalid on the ground that it covers any subject or matter embraced within any statute or statutes of the Territory, whether such ordinance is in conflict with any such statute or statutes or otherwise; to appoint county physicians and such sanitary and other inspectors as may be necessary * * *

SEC. 1004. (as amended by Act 125, 1911). *Reports by physicians.*—It shall be the duty of every physician having a patient infected with cerebro-spinal meningitis, cholera asiatic, conjunctivitis follicular, diphtheria, dysentery amoebic, enteris (or typhoid) fever, fever paratyphoid, leprosy, measles, dengue, paralysis infantile, pertussis, plague, scarlet fever (or scarlatina), tetanus, trachoma, tuberculosis, typhus fever, varicella, variola, varioloid, yellow fever, or any other infectious or communicable or other disease dangerous to the public health, to give immediate notice thereof to the Board of Health, or its nearest agent, in writing, and in like manner to report to said board, or its agent, every case or death which takes place in his practice from any such disease; provided, however, that whenever a physician has a patient infected with variola, varioloid, scarlet fever, diphtheria, plague, cholera, yellow fever, typhus fever, cerebro-spinal meningitis or amoebic dysentery, such physician, in addition to the notice in writing required to be given as above, shall immediately notify the Board of Health, or its nearest agent, either by telephone or by direct oral communication. Every physician who shall refuse or neglect to give such notice, or make such report, shall be fined for each offense a sum not less than Ten (10) nor more than One Hundred Dollars ($100.00).

SEC. 1005 (as amended by act 125, 1911). *Reports by householders.*—It shall be the duty of every householder, keeper of a boarding or lodging house, or master of a vessel, to report immediately to the Board of Health, or its nearest agent, any person in or about his house, or vessel, whom they shall have reason to believe to be sick, or to have died, of any infectious, communicable or other diseases dangerous to the public health; and all police officers who are aware of any person suffering from any infectious, communicable or other disease dangerous to the public health, shall immediately report the same to the Board of Health, or its nearest agent. Any such householder, keeper of a boarding or lodging house, master of a vessel, or police officer who shall refuse or neglect to so report immediately to the Board of Health, or its nearest agent, shall be guilty of a misdemeanor and upon conviction shall be fined not more than One Hundred Dollars ($100.00) for each offense.

SEC. 1005A (added by act 125, 1911). *Diseases classed as communicable.*—Cerebro-spinal meningitis, cholera asiatic, conjunctivitis follicular, diphtheria, dysentery amoebic, enteric (or typhoid) fever, fever para-typhoid, leprosy, measles, dengue, paralysis infantile, pertussis, plague, scarlet fever (or scarlatina), tetanus, trachoma, tuberculosis, typhus fever, varicella, variola, vario-

loid, yellow fever, are hereby declared to be infectious and communicable diseases dangerous to the public health, but this enumeration shall not be held to exclude any other disease that is infectious, communicable, or dangerous to the public health, though not specifically named herein.

SEC. 1006 (as amended by act 125, 1911).—*Removal, patients.*—When any person shall be infected with any infectious, communicable or other disease dangerous to the public health, the Board of Health or its agent, may, for the safety of the public, remove such sick or infected person to a separate house or hospital, and provide him with nurses and other necessaries, which shall be at the charge of the person himself, his parents, guardian or master, if able, otherwise at the charge of the Territory.

SEC. 1007. *Quarantine in residence.*—If the infected person cannot be removed without danger to his life, the board of health, or its agent, may make provision for him, as directed in the last preceding section, in the house in which he may be; and, in such case, they may cause the persons in the neighborhood to be removed, and may take such other measures as they shall judge necessary for the public health and safety.

SEC. 1008. *Reimbursement by masters of vessels.*—In case any moneys are expended by the board of health for any sick person brought into this Territory in any vessel from abroad, it shall be the duty of said board, or its agent, to demand the same from the master of the vessel in which such sick person was brought. The master of such vessel shall be liable for the amount of the moneys thus expended.

SEC. 3130 (as amended by act 104, 1913). *Spreading infectious disease, etc., a nuisance.*—The offense of common nuisance is the endangering of the public personal safety or health, * * *

As for example * * *

Spreading or endangering the spreading of smallpox or other infectious disease; carrying an infected person or causing him to pass through a frequented street; opening a hospital or pesthouse so as to endanger neighbors or the passers-by in a frequented street or otherwise;

* * * * * * *

SEC. 542. *Duties of pilots.*—Upon the arrival of any vessel, making the usual marine signal for a pilot, it shall be the duty of the pilot or pilots at the port, to immediately put off to such vessel, taking with him a white and a yellow flag, to inquire into the sanitary condition of the ship, and the health of those on board; and upon being assured to his satisfaction that there is no danger to be apprehended from any contagious disease, he shall board such vessel, but not otherwise.

SEC. 543. *Certificate of health.*—Upon boarding the vessel, the pilot shall present the commanding officer with a health certificate to be signed by him, and in case the same shall be signed, the white flag shall be immediately hoisted at the main, and the pilot shall be at liberty to bring the vessel into port; but in case the commanding officer shall decline to sign the certificate of health, the pilot shall deliver him a yellow flag, which the master shall hoist at the main, and the vessel shall be placed in quarantine outside of the harbor, and anchored where the pilot may direct. Any pilot who shall conduct a vessel into any port in this Territory in violation of the provisions of this section, or any of the regulations of the board of health, or knowing that there is just ground to suspect the existence of contagion on board, shall be liable to a fine not exceeding five hundred dollars; and every vessel, the master of which shall have declined to sign a certificate of health, as above described, shall, upon entering port, be liable to seizure, confiscation and sale.

SEC. 544. *Pilots not to leave infected vessels.*—If the pilot, after boarding any vessel, shall discover the existence of a contagious disease, he shall not return on shore; neither shall it be lawful for any of the ship's company or passengers to land, or communicate with the shore, or board any other vessel, without permission of the board of health, or the superintendent of public works, under a penalty of a fine not exceeding five hundred dollars.

SEC. 1123. *Concealing lepers, penalty.*—Whoever shall knowingly detain or harbor upon premises subject to his control, or shall in any manner conceal or secrete, or assist in concealing or secreting, any person afflicted with leprosy, with the intent that such person be not discovered by or delivered to the board of health or its agents; or who shall support or assist in supporting any person having leprosy living in concealment, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be liable to a fine of not more than one hundred dollars.

SEC. 1124. *Police to report lepers.*—It shall be the duty of every police officer or deputy sheriff having reason to believe that any person within his district is afflicted with leprosy, to report the same forthwith to the agent of the board of health in such district, if any, otherwise, to the nearest agent of the board of health.

SEC. 1125. *Penalty.*—Any police officer or deputy sheriff who shall willfully fail to comply with the provisions of section 1124 shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not less than ten dollars, nor more than two hundred dollars, and shall be dismissed from office.

SEC. 1126. *Hospitals.*—The board of health is authorized to make arrangements for the establishment of hospitals on each island where leprous patients in the incipient stages may be treated in order to attempt a cure; and the said board and its agents shall have full power to discharge all such patients as it shall deem cured, and to send to a place of isolation contemplated in sections 1120 and 1122, all such patients as shall be considered incurable or capable of spreading the disease of leprosy.

SEC. 1127. *Permits to treat lepers.*—The board of health may permit any person to engage in the treatment of lepers or of persons supposed to have leprosy. Such permits shall be under such conditions and regulations as the board shall prescribe, and be revocable at the pleasure of the board.

SEC. 1131. *Who allowed at settlement.*—No person, not being a leper, shall be allowed to visit or remain upon any land, place, or inclosure set apart by the board of health for the isolation and confinement of lepers, without the written permission of the president of the board, or some officer authorized thereto by the board of health, under any circumstances whatever, and any person found upon such land, place, or inclosure without a written permission, shall, upon conviction thereof, be fined in a sum not less than ten nor more than one hundred dollars for such offense, and in default of payment be imprisoned at hard labor until the fine and costs of court are discharged in due course of law.

SEC. 1128. *Labor required of patients.*—The board of health or its agents may require from patients such reasonable amount of labor as may be approved of by the attending physicians; and may further make and publish such rules and regulations as by the said board may be considered adapted to ameliorate the condition of lepers, which said rules and regulations shall be published and enforced as in sections 992 and 993 provided.

SEC. 1132. *Control of Kokuas or helpers.*—Voluntary helpers or kokuas living with lepers segregated by the board of health may be by such board declared

infected with the disease of leprosy, and capable of communicating the same to others. All such kokuas are hereby placed under the control of the board of health, and may be prevented by it from intermingling with those free from the disease.

SEC. 1134. *Duties.*—Every kokua who has heretofore received permission, or who may hereafter get permission to go to the leper settlement, according to law, shall perform the duties of kokua to his leper friends as provided in section 1135, and in no other way.

SEC. 1129. *Regulations.*—It shall be lawful for the board of health, through its president, to make and promulgate such rules and regulations as may be from time to time necessary for the government and control of the lepers placed under their charge, and such rules and regulations shall have the same force and effect as a statute law of the Territory; provided, always, that the sanction of the governor be given thereto, and that they be published in two newspapers, published in Honolulu, one in the Hawaiian, the other in the English language.

SEC. 1133. *Regulations.*—The Board of Health with the consent of the governor, is empowered to make and promulgate such rules and regulations in regard to said helpers or kokuas for their care, discipline and maintenance as may be deemed necessary, which rules and regulations shall have the force and effect of law when promulgated.

SEC. 1135. *Duties of kokuas.*—The duties to be performed by the kokuas of the lepers shall be that they must take care of the leper or lepers that they went there to assist, and go and get and prepare in a suitable manner all food and other supplies that are furnished by the Territory to the lepers, and attend to the clothing and other things that would contribute to the comfort of the lepers whose kokuas they are. And said kokuas shall also perform such labor and service as may be required by the board of health when requested to do so by the superintendent of the leper settlement, for which services they shall be paid such wages as are deemed fair and just by the board of health, such wages to be not less than fifty cents per diem. And any kokua refusing to perform such labor as above stated, or who shall violate any rule or regulations of the board of health, shall be liable on conviction to expulsion from the settlement.

SEC. 2230 (as amended by chapter 72, acts of 1907). *Divorce from a leper.*—In all cases where a decree of divorce is asked for by a person who has contracted the disease known as Chinese Leprosy and is confined at the Leper Settlement on the island of Molokai, the libel for said divorce shall be filed by the Clerk of the Court, without the requirement of the deposit of any costs or fees whatsoever.

[Acts of 1907, ch. 93.]

Lepers exempt from taxation.—Any person who has been declared by the Territorial Board of Health to be a leper and is detained and confined as such at the Leper Settlement, County of Kalawao, shall, so long as he or she is so detained and confined, be exempted from the payment of the following taxes, to wit: "Personal Property," "Personal Taxes" and "Specific Taxes."

[Acts of 1909, ch. 81.]

SECTION 1. *Leper Hospital.*—There shall be established at and on such place on the island of Oahu, Territory of Hawaii, as the governor shall direct, a hospital for the care of persons afflicted with leprosy, there to receive such treatment as shall be provided or approved by the board of health.

SEC. 2. *Treatment at hospital.*—At such hospital every reasonable effort shall be made to effect a cure of the patients, and such patients shall be cared for as well as circumstances will permit and given such liberties as may be deemed compatible with public safety. They shall be treated by such licensed physician or physicians as the board shall designate. but if any patient so prefers, he may be treated at his own expense by a licensed physician of his own selection under such conditions as the board may prescribe. Any person may, at any time, secure free of charge at such hospital an examination for the purpose of determining whether or not he is a leper, and in case he is found not to be a leper the board shall upon request furnish him with a certificate setting forth such fact, the date of examination, and the name or names of the physician or physicians making such examination.

SEC. 3. *Notification.*—Every person who knows, or has reason to believe, that he, or any other person, not already under the care or control of the board of health, is a leper, shall forthwith report to the board or its authorized agent, that fact and such other information relating thereto as he may have and the board may require.

SEC. 4. *Examination.*—Any person so reported, or otherwise believed to be a leper, may be examined at any time and place and by any physician or physicians that may be agreed upon by him and the board or its agent.

The board or its agent may, however, instead request such person to appear at a designated time and place not less than five days thereafter and then and there to submit to an examination by a designated physician for the purpose of ascertaining whether such person is a leper.

If, however, such person prefers such examination to be made by more than one physician, he may so notify the board or its agent at any time before the time so designated and may at the same time, or within such further time as the board or its agent may allow, designate to the board or its agent one licensed physician, in which case the board or its agent shall within five days thereafter designate to such physician a second licensed physician and at the same time so notify such person and such second physician, and the two physicians so designated shall within five days thereafter designate to the board or its agent a third licensed physician, and if they fail to do so, such third physician shall be designated by the circuit judge of the circuit in which the examination is to be held and in the case of the first circuit by the first circuit judge; and in case such person shall fail to designate a physician within the time allowed, all three physicians shall be designated by such judge; notice of any such designation or designations by a judge shall be given forthwith to such person and to the board or its agent; when the three physicians have been so designated, such examination shall be made by them or a majority of them at a convenient time and place designated by the board or its agent, reasonable notice of which shall have been given by the board or its agent to such person and such physicians. The physician or physicians who make the examination shall report to the board or its agent whether in his or their opinion such person is a leper.

If such person is under the age of sixteen years, his parent or guardian, if any, may exercise such preference and thereafter represent such person as far as may be for the purposes of this section.

If upon such examination such person is found not to be a leper, the board shall furnish him, upon request, a certificate setting forth such fact, the date of examination, and the name or names of the physician or physicians making the examination.

SEC. 5. *Transfer to hospital.*—If upon such examination such person is found by such physician or physicians or a majority of them to be a leper, he may

be transferred by the board or its agent to such hospital. If he shall refuse or fail to appear and submit to any such examination at the time and place designated or agreed, he may be arrested and taken to such hospital upon a warrant issued by any circuit judge or district magistrate upon a sworn complaint setting forth the necessary facts and shall there be examined as near as may be as provided in section 4 of this act. All lepers at such hospital shall remain in the custody of the board and its agent until lawfully discharged or removed by its direction or permission.

SEC. 6. *Removal to settlement.*—Any leper may be removed from such hospital or any other place to the leper settlement at any time with his consent, but no leper shall be so removed until he has been at such hospital for at least six months unless, in the opinion of at least three licensed physicians, he can not be materially benefited by further treatment there, provided that any leper whose custody it has been necessary to obtain by arrest or who is unwilling to receive such treatment or to submit to such rules and regulations as the board may approve or prescribe may be so removed at any time. When so removed he shall remain in the custody or control of the board until lawfully discharged.

SEC. 7. *Discharge.*—Any person detained as a leper, whether at the hospital or at the settlement, shall be released whenever the board shall be satisfied in any way that he is not a leper. Upon the request of any such person at any time not less than one year after any previous examination, he shall be examined by three licensed physicians, to be chosen in the manner provided in section 4 of this act. A decision by a majority of the examining physicians that he is not a leper shall entitle him to a discharge.

SEC. 8. *Expenses—Rules.*—The board shall bear all expenses of travel and other necessary expenses incurred under this act, and may prescribe all rules, regulations, and forms, and perform all acts necessary and proper for carrying out its provisions.

SEC. 9. *Penalty.*—Any physician or police or other officer who shall violate the provisions of the third section of this act shall be liable to a penalty of not more than one hundred dollars, and in addition thereto, to forfeiture of his license to practice, or to removal from office, as the case may be.

[Laws of 1911, Act 113.]

SEC. 1. *Lepers may be allowed to travel.*—The Board of Health shall have full authority when in its opinion it shall deem such course advisable to permit or direct any person detained at the Kalihi Hospital or at the settlement at Molokai to go therefrom to such other place or places and for such time or times as the board may designate, but no such direction or permission shall be construed as a discharge of said person under the provisions of Act 81 of the Session Laws of 1909. All such persons shall have all the rights and privileges, and be subject to all the obligations of said Act 81 except only as otherwise expressly provided herein.

[Laws of 1913, Act 24.]

SEC. 1. *Aid to lepers.*—There shall be and hereby is appropriated the sum of Five Thousand Dollars ($5,000.00) from the Public Treasury for the purpose of aiding indigent persons who have been segregated at the Leper Settlement, on Molokai, or who have been discharged from the Kalihi Hospital at Kalihi, Oahu, and found free of the disease known as leprosy and ordered to leave the places before mentioned, which shall be drawn upon, from time to time, by the President of the Board of Health in such amounts as may be allowed by the Board of Health for the relief of such persons.

[Act 94, 1913.]

SECTION 1. *Notices—Penalty for destroying or defacing.*—Any person who shall maliciously destroy or deface any notice put up in compliance with any statute, order of court, or order of the Territorial board of health, before the expiration of the period of such notice shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not to exceed $100.

IDAHO.

[Revised Codes—1908.]

SEC. 1081 (as amended by ch. 140, acts of 1913). *State board of health laboratories.*—* * *

* * * They (the State board of health) shall have authority to send their secretary or a committee of the board to any part of the State when deemed necessary to investigate the cause of any epidemic or any special or unusual disease or mortality.

The board shall have power to establish such bacteriological stations within the State as they may deem necessary; to equip the same with the necessary laboratory apparatus and supplies and to appoint a director for each station so established, who shall be a practical bacteriologist, and who shall receive such compensation for his work as the board may prescribe, not to exceed ten dollars ($10.00) per day for each day actually and necessarily spent in bacteriological examination. Said compensation shall be paid on claims approved by the board out of any funds appropriated for the use of said board in the same manner that other claims against the State are paid. *Provided, also*, That when in the opinion of the State board of health, the conducting of any test would be too expensive to be done free of charge, the board would be allowed to charge a reasonable compensation for the same, such compensation to be determined by the board, and all such amounts collected shall be paid into the general fund of the State.

SEC. 1083. *Duties of secretary.*—The secretary * * * shall, so far as practicable, communicate with other boards of health within this State. * * * He shall collect information concerning vital statistics, knowledge respecting diseases, and all useful information on the subject of hygiene, and through an annual report and otherwise, as the board may direct, shall disseminate such information among the people.

SEC. 1085. *Powers and duties.*—The State board of health shall have a general supervision of all matters relating to the preservation of the life and health of the people of the State. They shall especially study the vital statistics of the State, and endeavor to make profitable and intelligent use of the collected records of sickness and mortality among the people; they shall carefully study the influence of the climate upon diseases and health in different localities in the State, for the benefit of the citizens thereof, as well as for the information of that large class of people who contemplate making this State their temporary or permanent home; they shall make sanitary investigations and inquiries respecting the causes of disease, and especially epidemics; the causes of mortality and the effects of localities, employments, conditions, ingesta, habits, and circumstances on the health of the people. * * * they shall, either as a whole board, or through a committee of the board, or other persons appointed by them for that purpose, visit and report on the sanitary conditions of all State institutions as often as conditions may require, but the

State hospital for the insane, the penitentiary, and the soldiers' home shall be visited and reported on at least once a year, * * *

SEC. 1086. *Introduction, communicable diseases.*—Whenever the State board of health shall have cause to believe that there is any danger of cholera, smallpox, or other contagious or infectious disease invading this State or country, it shall be the duty of said board to take such action, and adopt and enforce such rules and regulations, as may be necessary to prevent the introduction of such infectious or contagious disease within this State, and any person or persons or corporations refusing or neglecting to obey such rules and regulations shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty nor more than three hundred dollars, or imprisoned in the county jail for not less than thirty nor more than ninety days, or be punished by both such fine and imprisonment, in the discretion of the court, for every such offense. And it shall be the duty of all police officers, sheriffs, and constables to enforce such regulations, subject to the authority of the State health officers. Whenever necessary, the State board of health may call public conferences of local health officers, or may, by a vote of a majority of its members, send a delegate to any conference of local, State, or national health officers.

SEC. 1087. *Public health information.*—In order to afford the State board of health better advantages for obtaining knowledge important to be incorporated with that collected through special investigations and from other sources, it shall be the duty of all officers of the State, the physicians of all mining or other incorporated companies, the superintendent or other person in charge of any public, private, or parochial hospital, and the president or agent of any company chartered, organized, or transacting business under the laws of this State, so far as practicable, to furnish to the State board of health any information bearing upon the public health which may be requested by said board, for the purpose of enabling it better to perform the duties of collecting and distributing useful knowledge on this subject.

SEC. 1095 (as amended by act, p. 494, acts of 1913). *Local boards of health, regulations, expenses.*—* * *

* * * The county board of health shall be empowered to make its own local rules and regulations, which shall not be inconsistent with law nor with the rules and regulations of the State board of health and must make and establish for the county or any district or place therein, such sanitary rules and regulations as they may deem necessary and proper to prevent the outbreak and spread of dangerous, contagious, and infectious diseases, which rules and regulations shall take effect from and after their approval by the State board of health.

* * * All necessary expense incurred by the said county board of health in enforcing the provisions of this chapter must be paid for out of the general treasury from the current expense fund of the county, as other bills chargeable against said current expense fund are audited and paid.

SEC. 1096. *Powers of county and municipal boards.*—* * * they shall act in conjunction with the State board of health and report quarterly to said board such facts in reference to the sanitary condition of their respective counties or municipalities as they may deem important or necessary, or as required by the State board of health: *Provided*, That if there is a regular salaried county physician, it shall be his duty to attend to all quarantined patients who are unable to pay, without extra charge, and in no case shall the fees allowed to physicians for their services as local health officers exceed the

regular fees of physicians for similar services, and no extra charge shall be made nor allowed in any case for admitting any patient or releasing him from quarantine.

SEC. 1097A (as amended by ch. 140, acts of 1913). *Sanitary inspections.*—It shall be the duty of all county boards of health to provide for the examination by the secretary, into the sanitary condition of all county buildings and jails, school buildings, and other public institutions in the county, at least once every year, before the 1st day of May, and as near said day as may be practicable, and such examining officer shall file a complete report, within 15 days after said 1st day of May, with the secretary of the State board of health.

SEC. 1097B (as amended by ch. 140, acts of 1913). *Declaring quarantine.*—The board of health of any county may declare quarantine therein or in any particular district or place therein, against the introduction of dangerous, contagious or infectious disease prevailing in any State, County or place, or of any or all persons and things liable to spread such dangerous, contagious and infectious disease. The said County Board has authority and power to enforce such quarantine until the same is raised by themselves, and may confine such inflicted person or persons liable to spread such dangerous, contagious or infectious disease to the house or premises in which he or she resides, or, if deemed advisable, to a place to be provided for them for that purpose.

And when any contagious or infectious disease shall, in the opinion of the State board of health, become or threaten to become epidemic in any city, village or county, and the local authorities shall neglect or refuse to enforce measures which, in the opinion of the State board of health, are efficient for its prevention, the State board of health, or its executive officer, on the order of the president of said board, may appoint a medical or sanitary officer, and such assistants as he may require, and authorize him to enforce such orders or regulations as said board or its executive officer may deem necessary, the expense thereof to be paid by that municipality or county in which such services are rendered out of its general funds. The term "dangerous, contagious, or infectious disease" shall be construed and understood to mean such disease or diseases as the State board of health shall designate as contagious or infectious and dangerous to the public health.

SEC. 1098 (as amended by ch. 140, acts of 1913). *Duties of health officers.*—It shall be the duty of every county health officer * * * furnish a report * * * monthly to the secretary of the State board of health: *Provided, however,* That any epidemic shall be reported immediately, together with such other information in regard to the sanitary condition of his jurisdiction as he may deem interesting or valuable for publication in the annual report of the State board of health. * * * for every failure or neglect of said health officer to perform any of the duties prescribed in this act he shall be held guilty of a misdemeanor. Every municipal or local health officer shall make a similar report as required by the county health officer to the secretary of the county board of health.

Any health officer who shall refuse or neglect to obey or enforce the rules or regulations or orders of the State board of health or who shall refuse or neglect to make prompt and accurate reports to the State board of health may be removed as health officer by the State board of health, and shall not again be reappointed except with the consent of the State board of health.

Any member of a city or county board of health who shall violate or refuse or neglect to obey or enforce any of the rules, regulations, or orders of the State or county boards of health made for the prevention, suppression, or control of any dangerous, contagious, or infectious disease, or for the protection of the

health of the people of this State, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than $10 nor more than $200, and shall be removed from office.

Sec. 1099 (as amended by ch. 140, acts of 1913). *Reports; removal; quarantine.*—Every physician or other person called to attend any person who is suffering from small-pox, cholera, plague, yellow fever, typhus fever, diphtheria, membranous croup, scarlet fever, typhoid fever, infantile paralysis, cerebrospinal meningitis, or any other disease dangerous to the public health or required by the State Board of Health to be reported, shall report the same within twenty-four hours to the health officers within whose jurisdiction such person is found, giving in such report the name, age, sex and color of the patient, and the house or place in which such person may be found; and in the case of small-pox, cholera, plague, yellow fever, diphtheria, membranous croup, scarlet fever, infantile paralysis and cerebrospinal meningitis, the attending physician shall at once declare a temporary quarantine, and shall prohibit entrance to or exit from such house; such temporary quarantine to remain in effect only until such time as the proper health officer can be notified and can act in the matter. In like manner it shall be the duty of the head of the family, and of the owner or the agent of the owner of the building in which a person resides who has any of the diseases herein named or provided against, or in which are the remains of a person having died of any such disease, immediately after becoming aware of the fact, to give notice thereof to the health officer. When complaint is made or a reasonable belief exists that an infectious or contagious disease prevails in any house or any other locality which has not been reported as hereinbefore required, the Board shall cause such house or locality to be inspected by its health officer, and discovery that such infectious disease prevails in any house or any other locality which has not been reported as hereinbefore required, the Board shall cause such house or locality to be inspected by its health officer, and on discovering that such infectious or contagious disease exists, the Board may, as it deems best, send such person to a quarantine hospital or other place provided for such persons, or may restrain them or other persons exposed within said house from intercourse with other persons, and prohibit ingress and egress to or from such premises. Any person, on whom a duty is imposed by the provisions of this Section, who fails, neglects, or refuses to perform the same as herein required, and any person who violates any regulation of the physician attending a person inflicted with any of the diseases above mentioned, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined a sum not exceeding fifty dollars ($50 00), or be imprisoned in the County Jail not exceeding ninety (90) days, or shall suffer both fine and imprisonment.

Sec. 1100 (as am. by ch. 140, acts of 1913). *Quarantine of infected houses.*—It shall be the duty of the local Board of Health, when a case of small-pox, cholera, plague, yellow fever, typhus fever, diphtheria, membranous croup, scarlet fever, infantile paralysis and cerebrospinal meningitis, or any other dangerous, contagious or infectious disease is reported within its jurisdiction, to at once cause to be placed, in a conspicuous position on the house wherein any of the aforesaid diseases occur, a quarantine card having printed on it in large letters the name of the disease within, and to prohibit entrance to or exit from such house without written permission from the Board of Health. No person quarantined by a Board of Health on account of having a contagious disease, or for having been exposed thereto, shall leave such quarantined house or place without the written permission of the Board of Health. Every physician attending a person affected with any of the aforementioned diseases, shall

use such precautionary measures to prevent the spread of the disease as may be required by the Board of Health. No person shall remove, mar, deface or destroy such quarantine card, which shall remain in place until after the patient has been removed from such house, or has recovered and is no longer capable of communicating the disease, and the said house and the contents thereof have been properly purified and disinfected under the directions of the Board of Health; and where other inmates of said house have been exposed to and are liable to become ill of, any of said diseases, for a period thereafter, counting from the completing of disinfection, as follows, to-wit, in diphtheria and membranous croup, fourteen days; in small-pox, seventeen days; in scarlet fever, ten days; in cholera or yellow fever, seven days; in typhus fever, twenty-one days. In cases of measles, chicken-pox and whooping cough, or either of them, the Board of Health may require the same report of cases, and may enforce the same quarantine and other preventive measures, as are provided for in this Chapter in case of scarlet fever. The Board of Health may employ as many persons as it deems necessary to execute its orders and properly guard any house or place containing any person or persons affected with any of the diseases named herein, or who have been exposed thereto, and such persons shall be sworn in as quarantine guards, shall have police powers, and may use all necessary means to enforce the provisions of this Chapter for the prevention of contagious or infectious diseases, or the orders of any local Board of Health made in pursuance thereof. Any person, on whom a duty is imposed by the provisions of this section, who fails, neglects or refuses to perform the same as herein required, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined a sum not exceeding fifty dollars ($50), or be imprisoned in the county jail not exceeding ninety days, or shall suffer both fine and imprisonment.

SEC. 1101. *Exposing infected persons or articles.*—Any person who, while suffering from small-pox, cholera, plague, yellow fever, diphtheria, membranous crop or scarlet fever, wilfully or unlawfully exposes himself in any street, shop, inn, theatre or other public place or public conveyance, or being in charge of any person so suffering, so exposes such sufferer, or gives, lends, sells, transmits or exposes, without previous disinfection under the direction of the Board of Health, any bedding, clothing, rags or other things which have been exposed to infection from any such diseases, or who knowingly lets for hire any house, room in part of the house in which such person has been suffering from any such disease, prior to such house, room or part of the house having been disinfected by the Board of Health or under its direction, shall be liable to a penalty of not exceeding three hundred dollars, or to imprisonment not exceeding three months, or to both, in the discretion of the court.

SEC. 1102 (as am. by ch. 140, 1913). *Disinfection.*—When the health authorities of any county or municipality are of opinion that the cleansing and disinfection of any house or part thereof, and of any articles therein likely to retain infection, would tend to prevent or check infectious diseases, it shall be the duty of such authority to cleanse and disinfect such house, or part thereof, and articles, and the health authorities may recover the expenses incurred from the owner or occupant: *Provided*, That where the owner or occupant of any such house or part thereof is, from poverty or otherwise, unable, in the opinion of such health authority, effectually to carry out the requirements of this section, such authority may, without enforcing such requirements on such owner or occupant, cleanse and disinfect such house or part thereof, and articles, and the municipality or county in which said house is situated shall defray the expenses thereof.

SEC. 1103. *Disinfection of clothing and bedding.*—Any local health authority may direct the disinfection or destruction of any bedding, clothing or other

articles which have been exposed to infection from any dangerous infectious disorder: *Provided*, That when any person sustains any damages by reason of the exercise of any of the provisions of this section in relation to any matter as to which he is not himself in default, reasonable compensation shall be made by the municipal or county authorities to such person.

SEC. 1104 (as am. by ch. 140, 1913). *Exclusion of exposed persons from schools.*—No person residing in or occupying any house in which there is a person suffering from small-pox, cholera, plague, typhus fever, diphtheria, membranous croup, chicken pox, measles, mumps, whooping cough, scarlet fever, cerebrospinal meningitis, or infantile paralysis, shall be permitted to attend any public, private or parochial school or college, or Sunday school, or any other public gathering, until the quarantine provided for in such diseases in Section 1100 has been removed by the Board of Health. All school principals, Sunday school superintendents or other persons in charge of such schools, are hereby required to exclude any and all such persons until such time as they may present a written permit of the Board of Health to attend or re enter such schools.

SEC. 1105. *Hospital for infectious diseases.*—The municipal or county authorities may, when necessary, provide a hospital for infectious diseases for the use of the inhabitants of their respective municipalitiy or county, or two or more local authorities may combine in providing a common hospital for contagious diseases or a place of detention for persons having contagious diseases. Any expense incurred by the authorities of any municipality or county in maintaining in a hospital, or in a temporary place for the reception of the sick, a patient who is not a pauper, shall be deemed to be a debt due from such patient to the authorities aforesaid, and may be recovered from him at any time within twelve months after the discharge from such hospital or place of reception, or from his estate in the event of his death.

SEC. 1107. *Quarantine of cities and counties.*—Whenever small-pox, cholera, plague, yellow fever, typhus fever, diphtheria, membranous croup, scarlet fever or other dangerous, contagious or infectious diseases, show a tendency to become epidemic, and the local health authorities neglect or refuse to properly isolate and quarantine such diseases, the State Board of Health, or its executive officers, may quarantine any city or county or part thereof in which any of these diseases may show a tendency to become epidemic, and the expense of such quarantine shall be charged against and paid by the county so quarantined, except in a case where a city or a part thereof is quarantined, when said expense shall be paid by such city. And in all such cases the local health authorities may cause all public schools, churches and theatres to be closed, and all meetings or public assemblies to be prohibited, during the prevalence of such epidemic.

SEC. 6913. *Establishment, hospital.*—Every person who establishes or keeps, or causes to be established or kept, within the limits of any city, town or village, any pest house, hospital, or place for persons affected with contagious or infectious diseases, is guilty of a misdemeanor.

SEC. 6927. *Public exposure.*—Every person who wilfully exposes himself or another afflicted with any contagious or infectious disease, in any public place or thoroughfare, except in his necessary removal in a manner the least dangerous to the public health, is guilty of a misdemeanor.

SEC. 8536. *Removal of prisoners.*—When a pestilence or contagious disease breaks out in or near a jail, and the physician thereof certifies that it is liable to endanger the health of the prisoners, the probate judge may, by a written appointment, designate a safe and convenient place in the county, or the jail in

a contiguous county, as the place of their confinement. The appointment must be filed in the office of the county recorder and authorize the sheriff to remove the prisoners to the place or jail designated, and there confine them until they can be safely returned to the jail from which they were taken.

SEC. 767. *Insane asylum.*—No person laboring under any contagious or infectious disease must be admitted into the asylum (state insane asylum) as a patient.

SEC. 1940. *Extermination of rodents.*—The board of county commissioners of any county in this state, on the petition of one hundred or more of the taxpayers of the county, at the time taxes are levied by them for state and county purposes, may and they are hereby empowered to levy a tax of not exceeding five mills on the dollar of the assessed valuation of all taxable property within such county, for the purpose of exterminating crickets, grasshoppers, rodents and rabbits, such tax to be collected in the same manner as other county taxes are collected, and to be placed in a fund known as the "Pest Fund."

SEC. 1941. The board of county commissioners of any county infested with any such pests shall appoint three men, residents of the county, who shall constitute the board of control to oversee the extermination of any such pests and the expenditure of the funds provided for herein, and shall each receive for his services, while necessarily engaged in such work, such compensation as shall be fixed by the board of county commissioners.

SEC. 1942. All claims for services rendered hereunder shall be presented to the said board of control and by them presented and filed with the board of county commissioners, and by said commissioners allowed and paid out of said pest fund in the same manner as other bills against the county are allowed and paid.

[Acts of 1911, ch. 159.]

SEC. 142. *Reports.*—The owner, or agent of the owner of a house in which a person resides who has smallpox, diphtheria, scarlet fever or any other contagious or infectious disease, dangerous to the public health, and the physician called to attend the person or persons so affected shall, within twenty-four (24) hours after becoming cognizant of the fact give notice thereof to the clerk of the board of trustees of the school district in which said person so afflicted resides, and said person so afflicted shall be kept away and apart from all other persons except those whose presence may be necessary to the physical or spiritual wellbeing of such person or persons.

SEC. 143. *Exclusion from school.*—The school trustees of the various school districts in the State shall not allow any pupil to attend the public schools while any member of the household to which such pupil belongs is sick of smallpox, diphtheria, scarlet fever or other contagious or infectious disease, dangerous to the public health, or during the period of two (2) weeks after the death, recovery, or removal of such sick person; and any pupil coming from such household shall be required to present to the teacher of the school the pupil desires to attend, a certificate from the attending physician of the facts necessary to entitle him to admission in accordance with the above regulations.

SEC. 144. *Disinfection of school books.*—Whenever any text book or books belonging to any school district, shall be in the house during the time that pupils residing in such house are prevented from attending the public school in accordance with the provisions of this Article, such book or books shall not be returned to such public school until the same shall have been thoroughly disinfected under the direction of the attending physician, who shall certify the same to the teacher of said school, or to the Clerk of the board of trustees in case the school is not in session at such time.

SEC. 145. *Penalty.*—Any school trustee or other person violating any of the provisions of this article shall be deemed guilty of a misdemeanor.

[Acts of 1911, ch. 190.]

SEC. 15. *Reports of disease in dairies.*—Any milkman or dairyman being afflicted, or any member of whose family is afflicted, with a communicable disease, shall report the same to the State local health officer within twenty-four (24) hours after he knows or has reason to suspect such communicable disease, and said health officer shall take such steps as are prescribed by the State board of health for the prevention of the spread of said communicable disease by said milkman, dairyman, his family, hired help or their families.

SEC. 16. *Sale of milk.*—No milk or cream shall be sold or dispensed as food from any house, store, shop, dairy or other place in which there is a case of contagious or infectious disease, as aforesaid, until all danger of contagion has been removed, and permission in writing is obtained from the local health officer authorizing the sale of milk, or cream from said house, shop, or from said dairy or other place.

ILLINOIS.

[Hurd's Revised Statutes, 1912, ch. 126a.]

SEC. 2. *Powers and authority of the State board of health.*—The State board of health shall have the general supervision of the interests of the health and lives of the people of the State. They shall have supreme authority in matters of quarantine, and may declare and enforce quarantine when none exists, and may modify or relax quarantine when it has been established. The board shall have authority to make such rules and regulations and such sanitary investigations as they may from time to time deem necessary for the preservation and improvement of the public health, * * * It shall be the duty of all local boards of health, health authorities, and officers, police officers, sheriffs, constables, and all other officers and employees of the State, or any county, village, city, or township thereof, to enforce the rules and regulations that may be adopted by the State board of health.

It shall be the duty of the State board of health to investigate into the cause of dangerously contagious or infectious diseases, especially when existing in epidemic form, and to take means to restrict and suppress the same; and whenever any dangerouly contagious or infectious disease shall become or threaten to become epidemic in any village or city and the local board of health or local authorities shall neglect or refuse to enforce efficient measures for its restriction or suppression or to act with sufficient promptness or efficiency, or whenever the local board of health or local authorities shall neglect or refuse to promptly enforce efficient measures for the restriction or suppression of dangerously contagious or infectious diseases, the State board of health or their secretary, as their executive officer, when the board is not in session, may enforce such measures as the said board or their executive officer may deem necessary to protect the public health, and all necessary expenses so incurred shall be paid by the city or village for which services are rendered.

The State board of health may establish and maintain a chemical and bacteriological laboratory for the examination of public water supplies and for the diagnosis of diphtheria, typhoid fever, tuberculosis, malarial fever, and such other diseases as they may deem necessary, for the protection of the public health.

SEC. 7. *Penalty.*—Any person who violates or refuses to obey any rule or regulation of said State board of health shall be liable to a fine not to exceed

$200 for each offense or imprisonment in the county jail not exceeding six months, or both, in the discretion of the court. All prosecutions and proceedings instituted by the State board of health for violation of their rules and regulations shall be instituted by the board or by their executive officer, and it shall be the duty of the State's attorney in each county to prosecute all persons in his county violating or refusing to obey the rules and regulations of the State board of health. All fines or judgments collected or received shall be paid over to the State treasurer and credited to the fund created for the support of the State board of health.

[Acts of 1913, p. 110.]

Sixtieth. *Appropriation.*—To the State board of health, for salary of secretary, the sum of $3,600 per annum; for salary of sanitary inspector, $1,800 per annum; for necessary office expenses, including expenses incurred in attending meetings of the board, for making sanitary investigations, and for the purpose of investigating the cause and preventing the spread of such contagious and infectious diseases as consumption, typhoid fever, scarlet fever, influenza, and malarial fevers, the sum of $5,500 per annum; for expenses of laboratory for the investigation of disease, $4,400 per annum; for chief clerk, $2,400 per annum; for one clerk, $1,200 per annum; for two clerks, $1,000 each per annum, $2,000 per annum; for stenographer and typewriter, $1,200 per annum; for registrar of vital statistics, $1,500 per annum; for janitor and messenger, the sum of $800 per annum.

Also the sum of $8,000 per annum, to be used only with the consent and concurrence of the governor, on the recommendation and advice of the board, in case of an outbreak or threatened outbreak of any epidemic or malignant disease, such as smallpox, yellow fever, Asiatic cholera, and typhus fever, to defray the expenses of preventing the introduction of such diseases, or their spread from place to place within the State; to suppress outbreaks which may occur, and to investigate methods of their prevention; also for special investigation, when required by the sanitary necessities of the State.

For the necessary expenses incurred in the supervision and inspection of lodging houses, boarding houses, taverns, inns, rooming houses, and hotels, in cities of 100,000 or more inhabitants, $10,895.

Also the sum of $29,000 per annum for the free distribution of antidiphtheritic serum throughout the State as a preventive against the spread of diphtheria; $10,000 per annum of this sum, or such part thereof as may be necessary, to be expended in cities of 100,000 or more inhabitants; also the sum of $3,000 per annum for the free treatment and sustenance of poor persons, certified as such by an overseer of the poor or other officers in charge of the dispensation of public charity in the several counties of the State, and certified by a licensed physician to have been bitten or otherwise wounded by rabid animals and put in danger of infection from rabies (hydrophobia); this sum to be expended according to the provisions of "An act to provide for the treatment of poor persons afflicted with the disease called rabies," approved May 12, 1905. Distribution of typhoid vaccine, $6,000 per annum; serum distribution deficiency, $3,594.25; for prevention blindness of children, $3,000 per annum.

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[Rev. Stats., ch. 126a.]

SEC. 18a. *Agents for sale of anti-toxin to be appointed in each county.*—It shall be the duty of the Board of Health of the State of Illinois to appoint one agent in the county seat of each county in the State, who shall have for distri-

bution, as herein provided, diphtheria anti-toxin, certified to by the Board of Health of the State of Illinois, it being the duty of such agents to sell such antitoxin at a fair and reasonable price to all physicians and others applying for and needing the same, unless the person applying for and needing the same shall be unable to purchase the same, in which case such antitoxin shall be furnished on an order from the overseer of the poor or supervisor of township, to be paid for by the respective counties in which such order is made: *And, provided, further*, that more than one agent may be appointed in counties when necessary for the convenience of the people, at the discretion of the Board of Health of the State of Illinois: *Provided, further*, that any necessary expense incurred by the Board of Health of the State of Illinois, in the appointment of agents and in supplying such antitoxin shall be paid from the funds appropriated for the making of investigations and the prevention of the spread of diphtheria and other contagious diseases: *Providing, further*, that the Board of Health of the State of Illinois be and is hereby authorized to make such rules and regulations as may be necessary to carry out the provisions of this section.

[Rev. Stats., ch. 34.]

SEC. 116. *County and township boards—How created—Powers and duties.*—The board of county commissioners in counties not under township organization and the supervisor, assessor, and town clerk of every town in counties under township organization shall constitute a board of health, and on the breaking out of any dangerously communicable diseases in their county or town or in the immediate vicinity thereof it shall be their duty to make and enforce such rules and regulations tending to check the spread of the disease within the limits of such county or town as may be necessary; and for this purpose they shall have power to quarantine any house or houses or place where any infected person may be and cause notices of warning to be put thereon and to require the disinfection of the house or place: *Provided*, That nothing in this act shall apply to any territory lying within the corporate limits of any incorporated city or village: *Provided further*, That in case the board of health in any county not under township organization or of any township in counties under township organization shall fail, refuse, or neglect to promptly take the necessary measures to preserve the public health, or in case any such board of health shall refuse or neglect to carry out the rules and regulations of the State board of health, that thereupon the State board of health may discharge such duties and collect from the county or township, as the case may be, the reasonable costs, charges, and expenses incurred thereby.

SEC. 117. *Powers.*—The said boards of health shall have the following powers:

First. To do all acts, make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease.

* * * * * * *

Third. To incur the expenses necessary for the performance of the duties and powers enjoined upon the board.

Fourth. To provide gratuitous vaccination and disinfection.

Fifth. To require reports of dangerously communicable diseases.

SEC. 118. *Refusal to obey rule or regulation—Penalty.*—Any person who shall violate or refuse to obey any rule or regulation of the said board of health shall be liable to a fine not exceeding $200 for each offense, or imprisonment in the county jail not to exceed six months, or both, in the discretion of the court.

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[Rev. Stats, ch. 24.]

SEC. 62. *Powers, municipalities.*—The city council in cities, and president and the board of trustees in villages, shall have the following powers:

Seventy-seventh. To erect and establish hospitals and medical dispensaries, and control and regulate the same.

Seventy-eighth. To do all acts, make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease.

[Rev. Stats., ch. 24.]

SEC. 44. *Jurisdiction.*—The city council and board of trustees shall also have jurisdiction in and over all places within one-half mile of the city or village limits for the purpose of enforcing health and quarantine ordinances and regulations thereof.

[Revised Statutes, ch. 75.]

SEC. 14. *Removal prisoners.*—If disease breaks out in any jail, which, in the opinion of the county board, may endanger the lives or health of the prisoners to such a degree as to render their removal necessary, the county board may cause the prisoners to be removed to some suitable place within the same county, or to the jail of some convenient county, where they may be confined until they can be safely returned to the place whence they were removed.

* * *

[Acts of 1911, p. 330.]

SECTION 1. *Occupational diseases.*—Every employer of labor in this State, engaged in carrying on any work or process which may produce any illness or disease peculiar to the work or process carried on, or which subjects the employees to the danger of illness or disease incident to such work or process, to which employees are not ordinarily exposed in other lines of employment, shall, for the protection of all employees engaged in such work or process, adopt and provide reasonable and approved devices, means or methods for the prevention of such industrial or occupational diseases as are incident to such work or process.

SEC. 4. It is hereby made the duty of any licensed physician who shall make the physical examination of employés under the provisions of section 3 of this Act, to make an immediate report thereof to the State Board of Health of the State of Illinois upon blanks to be furnished by said board upon request, and if no such disease or illness is found, the physician shall so report, and if any such disease is found, the report shall state the name, address, sex and age of such employé and the name of such employer, and the nature of the disease or illness with which the employé is afflicted, and the probable extent and duration thereof, and the last place of employment: *Provided*, that the failure of any such physician to receive the blanks of the State Board of Health for the making of such report, shall not excuse such physician from making the report as herein provided.

SEC. 5. The Secretary of the State Board of Health shall, immediately upon receipt of any report from any physician in accordance with the provisions of Section 4 of this Act, transmit a copy thereof to the Illinois Department of Factory Inspection.

SEC. 12. If any occupational or industrial disease or illness or any disease or illness peculiar to the work or process carried on shall be found in any place of employment in this State by the Inspectors of the State Department of Factory Inspection, or called to their attention by the State Board of Health,

which disease or illness shall be caused in whole or in part, in the opinion of the inspector, by a disregard by the employer of the provisions of this Act, or a failure on the part of the employer to adopt reasonable appliances, devices, means or methods which are known to be reasonably adequate and sufficient to prevent the contraction or continuation of any such disease or illness, it shall be the duty of the Department of Factory Inspection to immediately notify the employer in such place of employment, in the manner provided in Section 12 of this Act, to install adequate and approved appliances, devices, means or methods to prevent the contracting and continuance of any such disease or illness and to comply with all the provisions of this act.

SEC. 13. For the purpose of disseminating a general knowledge of the provisions of this Act and of the dangers to the health of employés in any work or process covered by the provisions of this Act, the employer shall post in a conspicuous place in every room or apartment in which any such work or process is carried on, appropriate notices of the known dangers to the health of any such employés arising from such work or process, and simple instructions as to any known means of avoiding, so far as possible, the injurious consequences thereof, and the Chief State Factory Inspector shall, upon request, have prepared a notice covering the salient features of this Act. and furnish a reasonable number of copies thereof to employers in this State, covered by the provisions of this Act, which notice shall be posted by every such employer in a conspicuous place in every room or apartment in such place of employment. The notices required by this section shall be printed on cardboard of suitable character and the type used shall be such as to make them easily legible, and in addition to English they shall be printed in such other language or languages as may be necessary to make them intelligible to the employés.

SEC. 14. Any person, firm or corporation who shall, personally or through any agent, violate any of the provisions of this Act, or who omits or fails to comply with any of its requirements, or who obstructs or interferes with any examination or investigation being made by the State Department of Factory Inspection in accordance with the provisions of this Act, or any employé who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished for the first offense by a fine of not less than ten dollars ($10.00) or more than one hundred dollars ($100.00), and upon conviction of the second or subsequent offenses, shall be fined not less than fifty dollars ($50.00) or more than two hundred dollars ($200.00), and in each case shall stand committed until such fine and costs are paid, unless otherwise discharged by due process of law.

SEC. 15. For any injury to the health of any employé proximately caused by any willful violation of this Act or willful failure to comply with any of its provisions, a right of action shall accrue to the party whose health has been so injured, for any direct damages sustained thereby; and in case of the loss of life by reason of such willful violation or willful failure as aforesaid, a right of action shall accrue to the widow of such deceased person, his lineal heirs or adopted children, or to any other person or persons who were, before such loss of life, dependent for support upon such deceased person, for a like recovery of damages for the injury sustained by reason of such loss of life, not to exceed the sum of ten thousand dollars: *Provided*, that every such action for damages in case of death shall be commenced within one year after the death of such employé.

SEC. 16. The invalidity of any portion of this Act shall not affect the validity of any other portion thereof which can be given effect without such invalid part.

INDIANA.

[Burns' Annotated Statutes, 1908.]

SEC. 7591. *Duties of secretary, State board of health.*—The secretary of the board * * * shall, so far as practicable, communicate with other State boards of health, and with the county boards of health within this State. * * *. He shall collect information concerning vital statistics, knowledge respecting diseases, and all useful information on the subject of hygiene, and through an annual report and otherwise, as the board may direct, shall disseminate such information among the people.

SEC. 7592 (as amended by ch. 144, acts of 1909). *Qualifications, secretary.*—The secretary of the State board of health shall be * * * thoroughly informed and experienced in hygiene and sanitation, skilled in the management of infectious and contagious diseases, * * * and shall have and possess the statutory and common-law powers of a constable at law in all parts of the State in matters pertaining to the public health.

SEC. 7593 (as amended by ch. 144, acts of 1909). *Reports.*—The State board of health * * * shall study the vital statistics and endeavor to make intelligent and profitable use of the collected records of death and sickness among the people. They shall have (be) the superior health board of the State, to which all other health boards are subordinate, and they shall have supervision of the system of registration of births, deaths, marriages, and infectious diseases, and they shall make up from time to time such blank forms as they may deem necessary for the collection, registration, and report of vital and sanitary statistics throughout the State. * * *

SEC. 7594 (as amended by ch. 144, acts of 1909). *Powers and duties of State board of health.*—The State board of health shall have supervision of the health and life of the citizens of the State and possess all powers necessary to fulfill the duties prescribed in the statutes and to bring action in the courts for the enforcement of health laws and health rules. They shall have power to make sanitary inspections and surveys in all parts of the State and of all public buildings and institutions; and after due notice to enter upon and inspect private property in regard to the presence of cases of infectious and contagious diseases and the possible cause and source of diseases; to establish quarantine and to order and execute what is reasonable and necessary for the prevention and suppression of disease; to close schools and churches and forbid public gatherings when deemed necessary to prevent and stop epidemics; to condemn and abate conditions causative of disease; to regulate and prescribe the character and location of plumbing, drainage, water supply, disposal of sewage, lighting, heating, and ventilation and all sanitary features of all public buildings and institutions; to pass rules governing the duties of all health boards and all health officers, governing the collection of vital statistics, governing the hygienic disposal, transportation (and) disinterment of the dead, governing the specific features of quarantine and for the enforcement of the State health and registration laws, and any violation of said rules shall be punished by a fine of not less than $5 nor more than $50 for each offense. * * *

SEC. 7699 (as amended by ch. 144, acts of 1909). *Expenses; how paid.*—All expenses legally incurred for the work of protecting the public health outside the corporation of cities and towns shall be paid by the county treasurers out of the health appropriations made by county councils, upon warrants from county health commissioners, based upon sworn vouchers, said vouchers to have attached itemized bills for the amount for which they are drawn; and the expenses legally incurred for the protection of the public health inside the corpora-

tion of cities and towns shall be paid out of the treasuries of cities and towns in which the work is done; and townships shall not be held for the payment of public health expenses, but the cost of the care of the paupers, whether sick or well, shall be upon the townships.

SEC. 7611 (as amended by ch. 144, acts of 1909). *Penalty.*—Any person or persons or the officers of any corporation, except as penalties are provided in other sections of this act, who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than $10 nor more than $100.

SEC. 7600. *State laboratory of hygiene.*—A State laboratory of hygiene is hereby established as a department of the State board of health, the same to be under the general control of said board.

SEC. 7601. *Location.*—The State laboratory of hygiene shall be * * * used for * * * for making sanitary analyses, pathological examinations and studies in hygiene and preventive medicine to aid in the enforcement of the health laws, and for no other purpose. All work done in the State laboratory of hygiene shall be done exclusively and entirely for the public benefit and no fees shall be charged.

[Acts of 1911, ch. 120, p. 281.]

Appropriation.—For the State board of health: For vital statistics, office expenses, suppression of disease, and any other public health work, $20,000. For maintenance and expenses of laboratory of hygiene, $10,000; * * *.

[Acts of 1911, ch. 140, p. 345.]

For the board of health: For the prevention of the spread of infectious contagious, and other diseases, to instruct the public and to apply hygiene methods to prevent such diseases, $5,000; to be available April 1, 1911.

[Burns' Annotated Statutes, 1908.]

SEC. 7628. *Epidemic funds.*—For the purpose of preventing the introduction and spread of cholera, and other contagious and infectious diseases within this state, the governor is hereby authorized and empowered at any time when he believes it proper and necessary, to draw his order on the auditor of state, and the auditor shall issue to the governor his warrant on the state treasury in the sum named in the order of the governor, said sum or sums so drawn shall be expended by the governor, aided by the state board of health and other persons designated by the governor, in the way and manner ordered by the governor; Provided, That not exceeding fifty thousand dollars shall be drawn for such purpose in any one year.

SEC. 7608 (as amended by ch. 144, acts of 1909). *Powers and duties of health officers.*—It shall be the duty of the State health commissioner and of county health commissioners and city and town health officers, within their respective jurisdictions, to enforce the health laws, ordinances, orders, and rules of their own and superior boards of health; to collect, record, and report the vital statistics of their respective jurisdictions; * * *

The State health commissioner, all county health commissioners, and all city and town health officers shall have power to make sanitary inspections and surveys of all public buildings and institutions, to enter upon and inspect private property, at proper times after formal notice, in regard to the possible presence, source, and cause of disease; to establish quarantines and in common therewith to order what is reasonable and necessary for the prevention and

suppression of disease; to close schools and churches and forbid public gatherings in order to prevent and stay epidemics, and in all reasonable and necessary ways to protect the public health. And it shall be unlawful for any person, firm, company, or corporation to institute, permit, or maintain any conditions whatever which may transmit, generate, or promote disease; and it shall be the duty of all health commissioners and all health officers upon hearing in any way of the existence of said unlawful conditions within their respective jurisdictions to order their abatement, in writing if demanded, and specifying particularly wherein said conditions may transmit disease and naming the shortest reasonable time for abatement. Upon refusal or neglect of any person, firm, company, or corporation to obey said order, then the district prosecutor of the district wherein the offense occurs, upon receiving the information from said health commissioners or health officers, shall institute proceedings in the courts for enforcement.

Secretaries of city health boards * * * shall have charge of the municipal laboratory and he shall require and superintend, in relation to the sanitary condition of the city, such chemical, histological, bacteriological, and pathological investigations as shall be deemed advisable by the board. * * * The city board of health shall have the entire management and control of the city hospital and dispensary, if any there be, and they shall appoint the superintendent of such hospital and dispensary.

SEC. 8655. *Powers, municipalities.*—The common council of any city shall have power to enact ordinances for the following purposes:

Seventeenth. *To establish quarantine.*—To establish quarantine regulations and to authorize the removal or confinement of persons having infectious or contagious diseases. For the purposes of this clause, jurisdiction is given such city for four miles from the corporate limits thereof.

Eighteenth. *To prevent contagious diseases.*—To regulate and require reports and records of births and deaths and to make such requirements as may be deemed necessary to prevent the spread of contagious or infectious diseases, and to make all regulations that may be deemed expedient for the promotion of health and the suppression of disease.

Fifty-first. *To maintain pounds, etc.*—To establish, maintain, and regulate * * * houses of refuge, pest houses, hospitals, dispensaries * * * and all other public city institutions.

SEC. 7607. *Reports.*—It shall be the duty of all physicians and midwives in the State to report upon blank forms supplied by the State board of health * * * all cases of contagious and infectious diseases which may occur under their supervision and which are listed as reportable in the rules of the State board of health. The reports of * * * cases of infectious diseases shall be made immediately. * * * Reports of * * * cases of such infectious and contagious diseases as are listed in the rules of the State board of health, which occur in cities and towns, shall be made to health officers of said cities and towns, and when they occur in the country outside of cities and towns they shall be reported to the county health officer or his deputies. * * * When any * * * case of listed infectious or contagious disease may occur with no physician or midwife in attendance, then said * * * case of infectious or contagious disease shall be reported by the householder or other person having said * * * case of infectious or contagious disease in charge to the nearest health officer or his deputy, and the officer to whom the report is made shall make inquiry and inspection * * * and all reports of * * * contagious or infectious diseases as herein commanded shall be made upon blanks furnished by the State board of health. * * * All records of * * * cases of contagious and infectious diseases shall be kept by health officers in record books,

the forms of which shall be supplied by the State board of health. Any physician or midwife refusing or neglecting to make * * * infectious or contagious disease reports as herein provided shall; upon conviction, be fined for the first offense in any sum not less than ten or more than fifty dollars, and any physician or midwife who is convicted the second time for the violation of any of the above provisions shall be fined not less than fifty or more than one hundred dollars, and any physician or midwife who is convicted the third time for the violation of any of the above provisions shall be fined one hundred dollars. Householders and others made responsible in this act and failing to report as herein provided shall, upon conviction, be fined not less than ten nor more than fifty dollars for each offense. * * *

SEC. 7612. *Reports by physicians.*—Any physician called upon to attend a sick person and who finds the cause of such sickness to be of a contagious or infectious character, or if the disease is ordered to be reported in the rules of the State Board of Health, such physician shall immediately report the facts to the Secretary of the Board of Health having jurisdiction.

SEC. 7613. *Reports by householders.*—Whenever any person knows or has reason to believe that any member of his or her family or household (boarder, roomer, or visitor), has either smallpox, diphtheria, membranous croup, scarlet fever, measles or any other communicable disease listed in the rules of the State Board of Health, he or she shall immediately, from the time the existence of the disease is known, if no physician is in attendance, give notice thereof to the local health officer of the town or city in which the disease occurs, or the health officer, if the case is without the corporation of cities and towns, and such notice shall be given either verbally or by written communication, mailed or delivered to such health officer or board.

SEC. 7614. *Quarantine.*—The health officer having jurisdiction, upon being notified in any way of the existence of either of the diseases named in Section 2, (Sec. 7613) or of other communicable diseases which are or many be listed in the rules of the State Board of Health, shall immediately, in person or by deputy, quarantine the infected house, rooms or premises, so as effectually to isolate the case or cases, and the family if necessary, in such manner and for such time as may be necessary to prevent transmission of the disease; and, whenever a house, tenement or room is placed in quarantine, a placard shall be posted in a conspicuous position, giving the name of the disease, in letters not less than two inches long, and also containing the following quarantine order: "All persons are forbidden to enter or leave these premises without special permit from the health officer having jurisdiction, and all persons are forbidden to remove or mutilate this card, or to in any way interfere with this quarantine without orders from said health officer," and when visiting persons afflicted with smallpox, diphtheria, membranous croup, scarlet fever, or other infectious disease named in the rules of the State Board of Health, all physicians and health officers shall take such precautions as are directed in the rules of the State Board of Health covering the matter. Any person who shall violate any of the provisions of this section shall, upon conviction thereof in any court of this State, be liable to a fine of ten to fifty dollars, to which may be added imprisonment in the county jail not exceeding six months.

SEC. 7615. *Disinfection.*—Immediately after the recovery or death of any infected person or persons, the health officer having jurisdiction shall cause the infected premises and infected persons to be thoroughly disinfected and cleansed according to the methods prescribed in the rules of the State Board of Health, after which the said premises and said persons shall be released from quarantine.

SEC. 7616. *Exclusion from school.*—Parents, guardians or persons having custody of any child or children, shall not permit such child or children, if infected with any communicable disease, and if it or they have been exposed to any communicable disease, to attend any public or private school, or appear in public in any way, and all school teachers, public, private or parochial, shall exclude from their schools all such children unless a written permit to attend is given by the health officer having jurisdiction.

SEC. 7617. *Consultation with state boards of health.*—It shall be the duty of the Secretary, or a representative of all boards of health, to attend a meeting of the State Board of Health, when requested by the latter, for consultation or reference concerning the restrictions and prevention of contagious and infectious diseases, or for the consideration of other important sanitary matters, and the expenses of the delegate shall be paid by the board appointing him, out of the general funds of the county, incorporated city or town where such board is established.

SEC. 7618. *Removal to hospital.*—The State Board of Health and County Board of Health and any local board of health, or a majority thereof, shall have power to remove or cause to be removed from any hotel, boarding house, boarding school, or other building of like character, tenement or apartment houses, to a proper place designated by such board, persons sick with any contagious, infectious or pestilential disease, and such board shall also have power to remove or cause to be removed to a proper place to be so designated, all things and articles within the jurisdiction of such boards, which, in their opinion, shall be infected with any matter likely to communicate disease to the inhabitants of any county or other municipality of this State, and said boards may destroy, or cause to be destroyed, such articles or things, when in their opinion the safety of the public health requires it, for which the board of health having immediate jurisdiction shall pay the owner thereof the actual cash value out of the general funds of the town, city or county wherein the same is established: Provided, however, That no person shall be removed by this act, except after examination and determination by two physicians in good standing and practice that such person is sick with a contagious, infectious or pestilential disease. The boards of health above mentioned may, by resolution, delegate the authority herein conferred to any health officer in the employ of such boards.

SEC. 7619. *Removal, patients.*—Whenever a health officer shall know or suspect or be informed of the existence of any communicable disease, dangerous to the public health, and there be no physician in attendance, or should any physician while in attendance fail or refuse to immediately report such case to the health officer, it shall be the duty of such health officer or deputy to examine such case or cases of alleged communicable disease dangerous to the public health, and if, in the judgment of such health officer, such afflicted person should be isolated and quarantined in a building set apart for the care and treatment of persons afflicted with said contagious or communicable disease, it shall be the duty of such health officer, and he is hereby empowered, to remove such afflicted person or persons to such building, and all expenses of such removal shall be paid by the board having jurisdiction of such cases, out of the general funds of the incorporated city or town wherein such board is established, or if without such city or town, then out of the general funds of such county, and if at the time of such removal such health board having jurisdiction of such case or cases, shall not have provided the necessary attendant or attendants, nurse or nurses, to care for such afflicted person or persons, and there be no person or persons present at the time of such removal

to care for such afflicted person or persons, it shall be the duty of the secretary of such board of health to immediately employ proper nurse or nurses, medical and other necessary attendant or attendants to care for such afflicted person or persons, and the service of such a nurse or nurses, attendant or attendants shall be paid by such board, as above provided: And be it further provided, That it shall be the duty of said board or such health officer to provide said building where such person or persons shall be quarantined, as provided in this section, with suitable beds, bedding, cooking utensils and such other articles necessary for the comfort of said afflicted inmates; and said board or said health officer shall also, from time to time, as the same may be required during said period of quarantine in said building, furnish the necessary food for the sustenance of said afflicted inmates and the said nurses and attendants during said period of quarantine, and the expense incurred for the supplies herein provided for shall be paid by the said board, as provided hereinbefore in this section.

SEC. 7620. *Burials in case of communicable disease.*—In all cases of death from cholera, bubonic plague, leprosy, typhus fever, yellow fever, smallpox, diphtheria, membranous croup, scarlet fever, and cerebro-spinal meningitis, the funeral shall be strictly private, and the burial shall be made within twenty-four hours after death. No public or church funeral shall be held or any person permitted to enter the house containing the remains, excepting the undertaker and (his) their assistants, unless by permission of the health officer, and buried human remains shall not be disinterred nor removed without permission from the State Board of Health.

SEC. 7621. *Disinfection of public conveyances.*—All trolley, steam or electric cars or other public conveyances which are known to contain the infection of any disease, or any such cars or public conveyances which may reasonably be supposed to contain such infection, shall, upon order of the State Health Officer or any health officer in whose jurisdiction the infected car or other public conveyance may be found, be disinfected according to the rules of the State Board of Health, and the cost of disinfection shall be paid by the company, person or persons owning said cars or other public conveyances: *Provided*, That any and all inspections and fumigations of such cars be at such times and places as not to interfere with the general traffic of the road. If at any time any city, town or region is under quarantine, all trolley, electric and steam railroad companies passing through any such quarantined city, town or region, shall obey the quarantine orders of the State Board of Health, which are issued for the purpose of preventing the spread of infection. Each violation of such order shall be a separate offense, for which a fine of one hundred dollars shall be assessed.

SEC. 7622. *Expenses of disease prevention.*—The expenses incident to disease prevention shall be paid by the cities and towns in which the work may become necessary, and when without the corporation of cities and towns, said expenses shall be borne by the county. If at any time the authorities of any county, city or town fail, neglect or refuse to enforce the statutes and the rules of the State Board of Health for the restriction of dangerous, communicable diseases, then the State Board of Health, if in its opinion it becomes necessary, shall take charge and enforce the law and the rules, and all expenses shall be paid by the county, city or town in which such enforcement becomes necessary. Sheriffs, constables, marshals, police and all peace officers shall, if called upon by health officers, aid in the enforcement of this act.

SEC. 7623. *Penalty.*—Any person who violates any provision of this act, or any rules or regulations of the State Board of Health for the enforcement of this act, shall be punished by a fine of not less than ten nor more than one

hundred dollars, except as herein otherwise provided: Provided, That this act shall not be so construed as to apply to any litigation now pending in any of the courts of this State, but cases now pending shall be tried and determined as though this act was not in force.

SEC. 7624. *Poor—Free antitoxin—How supplied.*—All counties, cities and towns in the State are hereby required to supply free of charge diphtheria antitoxin to people too poor to purchase the same, under the following conditions, to wit: The State Board of Health shall supply uniform printed blanks to all county health officers, who shall supply them to trustees and subordinate health officers, said blanks to be printed by the board of commissioners of public printing and binding and to be known as diphtheria antitoxin blanks, and said blanks shall call for the following information and affirmation: County, township, date, name and postoffice address of the father, mother or guardian of the child, or if neither of these exist or are unknown, then the name of the householder, name, age and sex of the child or person who is to be treated for diphtheria or immunized; whether or not microscopical tests for diphtheria have been made; amount of antitoxin desired expressed in number of packages and in units; and such statistical and sanitary information as the State Board of Health may require. The physician applying for the free antitoxin shall sign in ink the following affirmation, which shall be printed upon said blank: I solemnly affirm that the free antitoxin herein applied for will be administered to the person named above, and it is my belief after inquiry that the parents are too poor to pay for the same.

SEC. 7625. *Official blanks—Legal claim.*—Upon receipt of an official diphtheria antitoxin blank duly filled out and signed in ink by a physician, as provided in this act, any dealer may supply the diphtheria antitoxin called for in said blank, and said blank shall be a legal claim for the market price of the antitoxin furnished, against the county, city or town in which it is used and against which the blank is issued.

SEC. 7626. *Township trustees—Duties—Health officers—Duties.*—Township Trustees shall at all times keep themselves supplied through county health officers with diphtheria antitoxin blanks, and shall supply them to physicians when needed, and so also shall all health officers. County, city and town health officers shall check up and make official record of all cases in which free antitoxin has been furnished in their respective jurisdictions, and they shall promptly call the attention of the district prosecutor to any violation of this act which may come to their notice. County, city and town health officers shall, by the fifth of each month for the preceding month, send direct to the State Board of Health the statistical certificate which is attached to each diphtheria antitoxin blank and which has been paid and taken up; but said blanks shall not be a valid claim and shall not be paid and tken up unless the attached statistical certificate has been filled out in ink by the physician who signed the said blank, and any health officer refusing or neglecting to make reports as herein provided shall be fined not less than ten dollars nor more than twenty-five dollars.

SEC. 7627. *Penalty.*—Any physician or any person who violates his affirmation or in any way diverts this act to his own profit, shall be fined in any sum not less than fifty dollars, and for another like offense in addition to said fine, shall be imprisoned in the county jail not to exceed six months.

[Acts of 1913, ch. 220.]

SECTION 1. *Rats—Extermination—Teaching hygiene in schools.*—That it shall be unlawful for any person, firm, copartnership, company, or corporation owning, leasing, occupying, possessing, or having charge of any land, place, building,

structure, stacks, or quantities of wood, hay, corn, wheat, or other grains or materials, or any vessel or water craft, to permit the same to become rat infested, and it shall be the duty of any such person, firm, copartnership, company, or corporation, upon any knowledge or notice, to at once proceed and to continue in good faith to endeavor to exterminate and destroy such rats by poisoning, trapping, and other appropriate means such as may be suggested by the State board of health or the local health officers. And it shall be the duty of the trustees of the several townships and the boards of school trustees of the several cities and diction for the illustrative teaching of the anatomy, physiology, and hygiene of the human system; the effects of alcohol and nicotine; the cause and course of consumption; the dissemination of diseases by rats, flies, and mosquitoes and the effects thereof, and the prevention of diseases by the proper selection and consumption of food.

SEC. 2. *State board of health—Inspectors—Duties.*—The State board of health and inspectors appointed by such board and local health officers and inspectors appointed for the purpose, as hereinafter provided, shall have authority and shall be permitted to enter into and upon all lands, places, buildings, structures, vessel, or water craft for the purpose of ascertaining whether the same are infested with rats and whether the requirements of this act as to extermination and destruction thereof are being complied with: *Provided*, That no building occupied as a dwelling, hotel, or rooming house shall be entered for such purpose except between the hours of 9 o'clock in the forenoon and 5 o'clcok in the afternoon of any day.

SEC. 3. *Appropriations—County commissioners.*—The board of county commissioners, with the consent of the county council of each county, and the town board of any town or the common council of any city, whenever it may by resolution determine that it is necessary for the preservation of the public health or to prevent the spread of contagious or infectious disease, communicable to mankind, or when such board shall so determine that it is necessary to prevent great damage to crops, grain, food, or other property, may appropriate moneys for the purchase of, and may purchase poison, traps, and other materials for the purpose of eliminating and destroying rats in such county, town, or city, and may employ and pay inspectors, who shall have authority to and shall prosecute such work of extermination and destruction under the direction of such board or the local health officer, or board of health, on both private and public property in such county, town, or city, and such inspectors shall have authority, when necessary, to carry out the provisions of this act, to dig into the ground, to remove parts of floors, walls, or other parts of buildings or structures, or to remove from one place to another on the premises, any other property when reasonably necessary to do so: *Provided*, That such inspector or inspectors, after taking the necessary steps for the discovery and destruction of rats on any premises, shall restore the said premises, as far as may be reasonably practicable, to the condition in which the same were found.

SEC. 4. *Expense of extermination—Lien.*—Whenever any person, firm, copartnership, company, or corporation owning, leasing, occupying, possessing, or having charge of any land, place, building, structure, stacks, or quantities of wood, hay, corn, wheat, or other grains or materials, or any vessel or water craft, which is infested with rats, shall fail, neglect, or refuse to proceed and continue to endeavor to exterminate and destroy such rats as herein required, it shall be the duty of the State board of health, or its inspectors, and the local health officer, or the local board of health or its inspectors, at once to cause such nuisance to be abated by exterminating and destroying such rats. The expense thereof shall be a charge against the county, town, or city which has by its board or council ordered such destruction or extermination of rats, and such

board or council shall allow and pay the same. When such destruction of rats is ordered by the town board or city council, the clerk of such town or city shall at once file with the county auditor a certified statement of the expense of such extermination, and in any such case the county auditor shall charge the amount so expended for destroying rats as aforesaid against the property on which said said nuisance shall have been abated, and the same shall be collected as other taxes are now collected, and when so collected shall be paid to said county, town, or city, to reimburse it for the amount so paid out for the destruction of rats as aforesaid.

SEC. 5. *"Rat day"—Proclamation.*—The governor may annually, in the spring, designate by official proclamation a day to be designated as "rat day" to be observed throughout the State as a day for exterminating and destroying rats about the homes and premises and public buildings and all other places, thus preventing the dissemination of disease and the destruction of property.

SEC. 6. *Rights of officers.*—Any health officer or any inspector appointed under the provisions of this act shall have the right, without a warrant, to enter upon or into any land, place, building, structure, or premises suspected of being rat infested for the discovery or destruction of rats, and any person, or number of persons who shall obstruct him in the performance of his duties shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than $2 nor more than $10.

SEC. 7. *Penalty.*—Any person, firm, copartnership, company, corporation, or school official violating any of the provisions contained in section 1 of this act shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than $10 nor more than $100.

IOWA.

[Code of 1897 and Supplement of 1907.]

SEC. 2565. *Powers and duties—State board of health.*—The board shall have charge of and general supervision over the interests of health and life of the citizens of the State; matters pertaining to quarantine, registration of marriages, births, and deaths, authority to make such rules and regulations and sanitary investigations as it from time to time may find necessary for the preservation and improvement of the public health, which, when made, shall be enforced by local boards of health and peace officers of the State. It shall * * * by its secretary make biennial reports to the governor, which shall include * * * such information concerning vital statistics, such knowledge respecting diseases, and such instructions upon the subject of hygiene as may be thought useful for dissemination among the people, * * *

SEC. 2564 (as amended by ch. 207, acts of 1913). *Enforcement of laws.*—* * * When the State board of health is not in session, the secretary shall be the executive officer thereof and commissioner of public health, and shall have full power and authority to execute and enforce all of the laws, rules and regulations of the board of health, pertaining to the health and life of the citizens of the State; to quarantine, to * * * deaths, to sanitary investigations, and to all other matters subject to regulations and control by the board of health. * * *

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SEC. 2572. *Enforcement regulations, State board.*—Local boards of health shall obey and enforce the rules and regulations of the State board; and peace and police officers within their respective jurisdictions, when called upon to do so by the local boards, shall execute the orders of such board. If any local

board of health shall refuse or neglect to enforce the rules and regulations of the State board of health, the State board of health may enforce its rules and regulations within the territorial jurisdiction of such local board, and for that purpose shall have and may exercise all the powers given by statute to local boards of health; and peace and police officers of the State, when called upon by the State board of health to enforce its rules and regulations, shall execute the orders of such board. All expenses incurred by the State board of health in determining whether its rules and regulations are enforced by a local board of health, and in enforcing the same when a local board has refused or neglected to do so, shall be paid in the same manner as is now provided for the payment of the expenses of enforcing such rules and regulations by local boards of health.

[Acts of 1913, ch. 208.]

SECTION 1. *Improvement of local conditions by State board.*—In any case where five or more citizens in any locality in this State present a petition to the State board of health, signed by such citizens, setting forth complaint regarding sanitary conditions in their locality, it is hereby made the duty of the State board of health to use all means at its command to make special effort to improve the sanitation and health conditions and precautions in such localities of this State. If the local board of health should fail to carry out the directions of the State board of health, the State board of health may employ the necessary assistants to carry out the provisions of this act.

The sum of $2,000 or so much thereof as may be necessary was appropriated for the purpose of carrying out the provisions of the above act. (Ch. 332, act Apr. 19, 1913.)

SEC. 2575–*a*–7. *Establishment State laboratory.*—The bacteriological laboratory of the medical department of the State University at Iowa City * * * shall, in addition to its regular work, perform all scientific analyses and tests, chemical, microscopical, or other scientific investigations, which may be required by the State board of health, and it shall make prompt report of the results thereof, under such rules and regulations as the said State board of health may from time to time adopt.

SEC. 2575–*a*–8. *Director—Reports.*—The professor of bacteriology of the medical department of the State University shall be the director of said laboratory and shall make or cause to be made all such analyses, tests, and investigations as shall be required by the State board of health as provided in the preceding section, causing the same to be made without delay and giving such analyses, tests, or investigations the preference of the point of time over all other work, and shall make prompt report of the result thereof to the board of health or to such person or persons as the board of health may by rule or designation designate.

SEC. 2568. *Municipal boards.*—The mayor and council of each town or city, or the trustees of any township, shall constitute a local board of health within the limits of such towns, cities, or townships. * * * It shall * * * make such regulations as are necessary for the protection of the public health respecting * * * causes of sickness, rabid animals, and quarantine, not in conflict with any regulation of the State board of health, which shall also apply to boats or vessels in harbors or ports within their jurisdiction; to proclaim and establish quarantine against all infectious or contagious diseases dangerous to the public and maintain and remove the same as may be required by regulations of the State board; may, when satisfied, upon due examination, that any cellar, room, tenement building, or place occupied as a dwelling or

otherwise has become or is, by reason of the number of occupants, uncleanliness, or other cause, unfit for such purpose or a cause of nuisance or sickness to the occupants or the public, issue a notice in writing to such occupants, or any of them, requiring the premises to be put in proper condition as to cleanliness or requiring the occupants to remove or quit such premises within a reasonable time to be fixed, and if the persons so notified, or either of them, neglect or refuse to comply therewith, may by order cause the premises to be properly cleaned at the expense of the owner or owners, or may forcibly remove the occupants and close the premises, and peace and police officers shall execute such orders, which premises so closed shall not be again occupied as a dwelling place without written permission of the board. The quarantine authorized by this section in case of infectious or contagious diseases may be declared or terminated by the mayor of any city or town, or the township clerk outside of such city or town, in cases required by regulations of the State board of health upon written notice given by any practicing physician of the existence of such disease or termination of the cause for quarantine, as the case may be.

SEC. 2569. *Inspections.*—The local board may, with its physician, when of the opinion it is necessary for the preservation of the lives or health of the inhabitants, enter a building, vessel, or place for the purpose of examining into, preventing, removing, or destroying any * * * cause of sickness, and in case its members or physicians shall be refused such entry, make complaint through any member under oath to any magistrate of the county, whether a member of the board or not, stating the facts so far as known, and the magistrate shall thereupon issue his warrant, directed to any peace officer of the county, commanding him, between the hours of sunrise and sunset, accompanied by two or more members of the board, to prevent, remove, or destroy such * * * cause of sickness, which shall be executed by the officer under the direction of such members of the board, and it may order the owner of any property, building, or place to remove, at his own expense, within 24 hours or such other time as may be fixed by it after notice has been served upon such owner, occupant, or other person in charge thereof, any * * * cause of sickness found thereon, and if such person fails or neglects to comply with the order and make such removal it may cause the same to be done at the expense of the owner or occupants.

SEC. 2570a (as amended by ch. 119, acts of 1911).—*Quarantine; disinfection; expenses.*—When any person shall be sick or infected with any contagious or infectious disease, dangerous to the public health, whether a resident or otherwise, the local board of health through the mayor or township clerk, shall make such provisions as are best calculated to protect the inhabitants therefrom, and may remove such person to a separate house, a house of detention or hospital, but quarantine shall not be established or maintained or fumigation required except in cases of scarlet fever (including scarlet rash and scarlatina), smallpox, diphtheria (including membranous croup), cholera, leprosy, cerebro-spinal meningitis, anterior poliomyelitus, and bubonic plague. In case any person or persons liable for the support of such person under quarantine or restrained under and by virtue of this act, shall be financially unable to secure the proper care, provisions or medical attendance, it shall be the duty of the mayor or township clerk to procure for such diseased person, proper care, provisions, supplies and medical attendance, while so quarantined or restrained. All bills for supplies furnished and services rendered by order of the mayor or township clerk as herein provided, for persons removed to a separate house, or house of detention, or hospital, or for persons financially unable to provide for their sustenance and care, shall be allowed and paid for,

only on a basis of the local market price for such provisions, services and supplies in the locality in which such services and supplies may have been furnished. All services and supplies furnished to individuals or families under the provisions of this section must be authorized by the local board of health or by the mayor or townhip clerk acting under standing regulations of such local board, and a written order therefor designating the person or persons, employed to furnish such services or supplies, issued before said services or supplies were actually furnished, shall be attached to the bill when the same is presented for audit and payment. No bill for any expenses incurred for any person during quarantine or for disinfecting premises or effects shall be allowed or paid except in cases removed to a separate house, or house of detention unless it shall be found that such person is financially unable to pay said bill.

Provided that nothing contained in this section shall be construed to prevent any person removed to a separate house or house of detention or hospital as herein provided, from employing, at his own expense, the physician or nurse of his choice, nor from providing such supplies and commodities as he may require. It is further provided that if the person receiving services or supplies be not a legal resident of the county in which such bills were incurred and paid, the amount so paid shall be certified to the board of supervisors of the county in which said party claims residence or owns property and the board of supervisors of such county shall reimburse the county from which such claim is certified, in the full amount originally paid by it.

All fumigations and disinfections, for the protection of the public health, shall be done in accordance with the regulations of the state board of health and under the directions of the local board, which shall direct the attending physician to superintend or perform the work. In case there be no attending physician or in case the attending physician refuses to perform this duty, then it shall be the duty of the local board of health to provide some other suitable person to perform such work.

* * * * * * *

All bills and expenses incurred in carrying out the provisions of this section and establishing, maintaining and raising quarantine and furnishing necessary detention hospitals shall be filed with the clerk of the local board of health. This board at its next regular meeting or special meeting called for the purpose shall examine and audit the same and if found correct, approve and certify the same to the county board of supervisors for payment. If the board of supervisors determine such bills payable, under the provisions of this act, it shall order the county auditor to draw warrant therefor upon the poor fund of said county. The board of supervisors shall not be bound by the action of the local board of health in approving such bill but may increase or diminish the same as may be just and reasonable. The forcible removal of infected persons as herein provided shall be effected by an application made to any civil magistrate in the manner provided in section twenty-five hundred and sixty-nine (2569) of the Code, for the removal and abatement of nuisances, who shall issue the warrant as directed in such cases, to remove such person or persons to the place designated by the local board of health and to take possession of a condemned or infected house, lodging-room, premises or effects. The officers designated by such magistrate shall be entitled to receive for such services such reasonable compensation as shall be determined by the local board of health. The amount so determined to be certified to and paid in the same manner as other expenses incurred under the provisions of this section.

Sec. 2571 (as amended by ch. 156, acts of 1909).—*Copy of quarantine rules.*—* * * It shall be the duty of the official when establishing quarantine, to

furnish to the person or persons quarantined a copy of the rules and regulations covering such quarantine.

Sec. 2348a (as amended by ch. 101, acts of 1911).—*Gophers.*—There shall be paid from the general fund of the county a bounty of ten cents for each pocket gopher caught or killed within the county, provided, that the person entitled to such bounty shall make, as hereafter provided, proof of destruction of such animal within thirty days after the same was destroyed.

Sec. 2575–a–3. *Removal of patients having communicable diseases.*—That no person known to be infected, or sick with any contagious disease dangerous to the public health shall move or be removed from one city, town or township to another city, town or township, except as hereinafter provided and by written permission of the local board of health of the city, town or township to which such person is to be removed.

Sec. 2575–a–4. *Expense of quarantine how met.*—If any person known to be infected, or sick with Smallpox or other contagious disease dangerous to the public health shall with the knowledge or consent of any member of the local board of health of the city, town or township in which he resides, be removed from said city, town or township to another city, town or township, either with or without the permission of the local board of such city, town or township to which he is removed, all expense of quarantine or care of such person incurred by the city, town or township to which he is removed shall be paid by the city, town or township from which such person was so removed, in the manner provided in section two thousand five hundred and seventy-a (2570-a) of the Supplement to the Code. If said person be so removed to another county, said expenses shall in the first instance be paid by such county and recovered from the county from which said person has been removed.

Sec. 2575–a–5. *Removal how conducted.*—When it is determined by any physician or health officer that any person is sick with Smallpox or any other contagious disease dangerous to the public health while in any city, town or township other than the one in which he resides, provided the distance be not to exceed fifteen (15) miles from his place of residence, then and in that event if the person so diseased elect to be moved to the city, town or township in which he resides, he may be so removed by private conveyance along the least-frequented highways under escort of a health officer to his abode immediately on determining that he is so diseased; and every such vehicle shall carry as a signal of warning, conspicuously displayed, a yellow flag not less than two feet square. All expenses of removal, care and quarantine of such person shall be paid by the city, town or township to which he is removed and shall be paid in the manner provided in Section 2 of this chapter.

Sec. 2575–a–6. *Penalty.*—Any person who shall move, or any physician or any member of the local board of health who shall cause or assist any persons known to be infected or sick with Smallpox or any contagious disease dangerous to the public health to be removed from one city, town or township to another city, town or township, contrary to the provisions of this act or of any regulation of the State Board of Health, shall be guilty of a misdemeanor, and be punished by a fine not exceeding one hundred dollars ($100) or imprisoned not exceeding thirty (30) days, or both, at the discretion of the court.

Sec. 2575–a–1. *Location of pest houses.*—When a controversy arises between municipalities or between Boards of Health thereof, respecting the location of pest houses or hospitals for the treatment of infectious or contagious diseases, such matter shall be referred to the President of the State Board of Health, who shall forthwith appoint a committee of three (3) members thereof, which committee shall upon two days' notice to the parties interested, investi-

gate the matter and make such order in the premises as the facts warrant, and such order shall be final.

SEC. 2575-a-2. *Jurisdiction over pest houses.*—The Health Officers of the municipality which is allowed to maintain a pest house or hospital for patients affected by infectious or contagious diseases outside the limits of said municipality, shall have exclusive jurisdiction and control of such pest house or hospital for the enforcement of all sanitary and health regulations.

SEC. 4977. *Smallpox inoculation.*—If any person inoculate himself or any other person or suffer himself to be inoculated with the smallpox within the state, or come within the state with the intent to cause the prevalence or spread of this infectious disease, he shall be imprisoned in the penitentiary not more than three years, or be fined not exceeding one thousand dollars and imprisoned in the county jail not exceeding one year.

SEC. 4978. *Putting infected persons on common carriers.*—If any person shall place or put, or aid or abet in placing or putting, any person upon any railroad car, steamboat or other public conveyance, knowing such person to be infected with diphtheria, smallpox or scarlet fever, he shall be fined not more than one hundred dollars, or be imprisoned in the county jail not more than thirty days.

[Acts of 1911, ch. 122.]

SEC. 1. *Antitoxin department.*—For the purpose of furnishing antitoxin to the people of the state of Iowa, an antitoxin department is hereby established to be under the control and direction of the state board of health.

SEC. 2. All antitoxin furnished or distributed under the provisions of this act shall be labeled "Iowa state board of health antitoxin."

SEC. 3. *Distributing stations.*—It shall be the duty of the state board of health to establish such distributing stations throughout the state as will enable physicians, druggists and other persons to secure the "Iowa state board of health antitoxin" at the reduced rates established by the board.

SEC. 4. *Appropriation.*—For the purpose of carrying into effect the provisions of this act and the payment of all expenses connected therewith, including necessary clerical assistance, there is hereby appropriated out of any funds in the state treasury, not otherwise appropriated, the sum of two thousand dollars ($2.000) per annum, or so much thereof as may be necessary to pay for clerical assistance and such other expenses as may be incurred by the state board of health in establishing antitoxin stations and providing for the distribution of "Iowa state board of health antitoxin" under the provisions of this act; provided that not to exceed nine hundred dollars ($900) of said sum shall be expended for clerical assistance. All bills for expenses of whatever nature or character are to be itemized, verified, certified, audited and paid as other expenses of the board.

KANSAS.

[General Statutes, 1909.]

SEC. 8030. *Powers and duties State board of health.*—The board shall have general supervision of the health of the citizens of the State, and endeavor to make intelligent and profitable use of the collected records of the causes of sickness and death among the people. They shall make sanitary investigations and inquiry concerning the causes of disease, and especially of epidemics and endemics; the causes of mortality and the effects of locality, employments, conditions, food, water supply, habits, and other circumstances upon the health of

the people. They shall advise officers of Government, or other State boards, in regard to location, drainage, water supply, disposal of excreta, heating and ventilation of public buildings. They shall make sanitary inspection and survey of such places and localities as they deem advisable; and when they believe there is a probability that any infectious or contagious disease will invade this State from any other State or country, it shall be their duty to take such action and adopt and enforce such rules and regulations as they may, in the exercise of their discretion, deem sufficient in preventing the introduction or spread of such infectious or contagious disease or diseases within this State. The better to accomplish such objects, they are empowered and directed to establish and strictly maintain quarantine at such places as they may deem proper; and are further empowered to make and enforce any regulations to obstruct and prevent the introduction or spread of infectious or contagious diseases to or within the State. They may establish quarantine ground in some suitable place and establish the quarantine to be observed in such locality, and may there cause to be created temporary buildings or hospitals necessary for the medical treatment of any persons who may be kept in quarantine and affected with contagious or infectious disease, for the inspection or disinfection of travelers' baggage, merchandise, and articles in transit through such quarantine grounds or stations; and they may enforce inspection of persons and articles at such stations or grounds, as well as the purification of persons, baggage, and articles, and require the transportation of passengers from said quarantine station. All companies or individuals operating or controlling railroads, electric railways, coaches, public and private conveyances in this State, shall obey the rules and regulations when made and published by the State board of health; and any person or owner having charge of any railway train, passenger coach, electric railway, or public or private conveyance who shall refuse to obey such rules and regulations when made and published by the State board of health shall be guilty of a misdemeanor, and for each offense shall be punished by a fine of not less than $50 nor more than $500, or be imprisoned in the county jail not less than 10 nor more than 60 days, or both so fined and imprisoned.

SEC. 8031. *Registration; transportation of dead bodies.*—The State board of health shall supervise the registration of * * * forms of disease prevalent in the State; and the secretary of said board shall superintend the registration of the vital statistics of the State. * * *

[Acts of 1911, ch. 2, p. 13.]

To the State board of health.	1912	1913
* * * * *		
Sanitary fund	$2,500	$2,500
Emergency fund for the suppression of epidemic diseases and to be used only on the approval of the governor, the balance of the 1912 appropriation to be reappropriated for 1913	5,000	.....
* * * * *		
For equipment and maintenance of laboratory hygiene	500	500
For the purpose of conducting a State-wide educational campaign for the suppression and prevention of tuberculosis, and to carry out the provisions of Senate bill No. 209, Laws of 1909; provided, any unexpended balances for the fiscal year ending June 30, 1911, is hereby reappropriated for the fiscal year ending June 30, 1912 and 1913	10,000	.....

SEC. 8032. *Sanitary service—experts, etc.*—The State board of health shall, when they think best to do so, appoint committees, or engage suitable persons to render special sanitary service, to make or supervise practical or scientific investigations and examinations requiring expert skill, and to prepare plans

and report thereon. * * * and the members of said board and such other officer or person as may at any time be by said board authorized may, without fee or hindrance, enter, examine, and survey all grounds, erections, vehicles, structures, apartments, buildings, and places; but the legislature shall first determine the amount which shall be expended during the year for such special sanitary work, and the expenditures shall not exceed the amount thus determined and set apart for the year.

[Acts of 1911, ch. 296.]

SEC. 13. *Communicable diseases.*—* * * He (the state registrar of vital statistics) shall inform all registrars what diseases are to be considered communicable and dangerous to the public health as decided by the state board of health, in order that when deaths occur from such diseases proper precaution may be taken.

[General Statutes of 1909.]

SEC. 8074. *Dangerous diseases; reports; placarding.*—Whenever any physician shall know or have reason to believe that any person whom he is called to visit, or any person sick within his knowledge without the care of a physician, is sick with or has died of cholera, smallpox, scarlet fever, diphtheria, epidemic cerebro-spinal meningitis, or any disease dangerous to the public health, he shall immediately give notice thereof to the nearest board of health or health officer, and, if the case occurs in his own practice, shall at once cause a red or yellow cloth or card not less than twelve inches square, with the name of the disease written or printed thereon in large characters, to be fastened upon the front door or other conspicuous part of the building wherein the sickness prevails; such cloth or card to be maintained during the existence of the disease, and until such time as the health officer, or, in his absence, the attending physician, acting by his authority and approval, is satisfied that the premises have been thoroughly disinfected and are fit for reoccupation.

SEC. 8075. *Duty of householder.*—Whenever any householder shall know that any of his family is sick with or has died of smallpox, cholera, scarlet fever, diphtheria, epidemic cerebro-spinal meningitis, or any disease dangerous to the public health, he shall immediately give notice thereof to the nearest board of health or health officer, and shall cause the house to be placarded as prescribed in section 1.

SEC. 8076. *Duty of health officers.*—Any municipal or county board of health or health officer having knowledge of any infectious or contagious disease, or of a death from such disease within their jurisdiction, shall immediately exercise and maintain a supervision over such case or cases during their continuance, seeing that all such cases are properly cared for and that the provisions of this act as to isolation, restriction of communication, placarding, quarantine and disinfection are duly enforced. The local board of health or health officer shall communicate without delay all information as to existing conditions to the State Board of Health. Said health officer shall confer personally, if practicable, otherwise by letter, with the physician in attendance upon the case, as to its future management and control, and with the authorities of the place, as to their duties in the premises. Should the disease show a tendency to become epidemic, the public and private schools must be closed, and, in extreme cases, church services suspended and public assemblages of people at shows, circuses, theaters, fairs or other gatherings prohibited. In case of smallpox, a general and thorough vaccination should be recommended and insisted upon.

SEC. 8077. *Quarantine.*—All persons sick with smallpox, cholera, scarlet fever, diphtheria, epidemic cerebro-spinal meningitis or any contagious or infectious diseases dangerous to the public health shall be thoroughly isolated from the public and properly quarantined.

SEC. 8078. *Quarantine.*—No member of any household in which cholera and [or] smallpox exists and no person afflicted with or recovering from any such disease shall be permitted to appear on the public streets or highways or in any public place, or attend any place of public amusement, worship, or visit any other private house, until after danger from contagion is passed and said household premises thoroughly disinfected.

SEC. 8079. *Not attend school.*—No person inflicted with any infectious or contagious disease dangerous to the public health shall be admitted into any public or private school. No parent, guardian, tutor or other person having charge or control of children whose residence is infected with smallpox, cholera, scarlet fever, diphtheria, epidemic cerebro-spinal meningitis or other infectious or contagious disease dangerous to the public health shall allow or permit them to attend any public or private school during the continuance of such infection, or until the premises have been thoroughly disinfected and all danger from contagion has passed.

SEC. 8080. *Funeral.*—No public funeral shall be allowed, either at the house or church, where death occurs from smallpox, cholera, scarlet fever, diphtheria, epidemic cerebro-spinal meningitis, or other infectious disease dangerous to the public health.

SEC. 8081. DIPHTHERIA.—Diphtheritic croup, croupous diphtheria, membranous croup, croup other than spasmodic, putrid fever, diphtheritic sore throat, and sloughing sore throat, occurring in communities where diphtheria is prevalent, shall be included among the diseases dangerous to the public health, and subject to the same precautions as diphtheria. In like manner, patients suffering from or exposed to scarlatina or scarlet rash or varioloid shall be required to undergo the precautions prescribed for scarlet fever and smallpox, respectively.

SEC. 8082. *Duty of physician.*—It shall be the duty of every physician in attendance upon any person afflicted with any contagious or infectious disease designated in this act to notify the proper health officer when said premises are ready for disinfection, so that the same may be properly disinfected under the directions of said health officer or some other person under his authority.

SEC. 8083. *Quarantine communities.*—Whenever cholera, smallpox, diphtheria, scarlet fever, epidemic cerebro spinal meningitis or other infectious or contagious diseases show a tendency to become epidemic, and the local health authorities neglect to properly isolate and quarantine such diseases, the State Board of Health or its executive officer may quarantine any city, township or county in which any of these diseases may show a tendency to become epidemic.

SEC. 8084. *Penalty.*—Any person found guilty of violating any of the provisions of this act or failing to comply with any requirements thereof shall be, upon conviction, fined not less than twenty-five dollars nor more than one hundred dollars for each offense.

SEC. 2779. *Inoculating with smallpox.*—If any person shall inoculate himself or any other person, or shall suffer himself to be inoculated with the smallpox, within this State, with intent to cause the prevalence or spread of this infectious disease, he shall be punished by imprisonment in the State prison not more than three years nor less than one year.

SEC. 1054. *Powers, municipalities.*—Whenever smallpox or other kindred contagious diseases exist in the city, the mayor and council (in cities of the

first class[1]) shall take such action as in their judgment may be necessary to suppress and prevent the spreading of the same, and pay all necessary expenses for such purposes.

SEC. 1055. A detailed, itemized and correct account of all money so expended by the city shall be presented to the board of county commissioners in which such city is located; and said board of county commissioners may monthly audit and allow such claims and draw warrants on the county treasurer in favor of said city therefor, and it shall be the duty of the county treasurer of said county to pay the same out of any funds in the treasury not otherwise appropriated.

SEC. 1243. *Sanitary powers, cities of first class.*—The board of commissioners (in cities with more than 15,000 inhabitants so organized) shall have power to enact ordinances for all the purposes named and provided for in this article not repugnant to the constitution and laws of this State, and to alter, amend, modify, and repeal such ordinances.

SEC. 1244. *Food.*—To maintain and regulate market houses and regulate market places.

SEC. 1250. *Smoke nuisances.*—To regulate and prescribe the construction of and compel the building and cleaning of smokestacks, chimneys, and hot-air flues.

SEC. 1253. *Markets.*—To provide for the inspection and regulation of meat markets and shops and levy and collect a license tax therefrom.

SEC. 1256. *Hospitals, workhouses, etc.*—To erect, establish, and regulate hospitals, workhouses, houses of correction, pest houses, and provide for the government and support of the same.

SEC. 1257. *Communicable diseases.*—To make regulations to prevent the introduction and spread of contagious diseases into the city; to make quarantine laws for that purpose, and enforce the same within 5 miles of the city.

SEC. 1369. The mayor (in cities with more than 2,000 and less than 15,000 inhabitants) shall be active and vigilant in enforcing all laws and ordinances for the government of the city, and he shall cause all subordinate officers to be dealt with promptly for any neglect or violation of duty, and he shall have such jurisdiction as may be vested in him by ordinance over all places within 5 miles of the corporate limits of the city for the enforcement of any health, quarantine, cemetery, or waterworks ordinance and regulation thereof.

SEC. 1405. *May establish hospitals.*—The council (in cities of the second class)[2] may purchase or condemn and hold for the city, within or outside the city limits, within 5 miles therefrom, all necessary lands for hospital purposes and waterworks, and erect, establish, and regulate hospitals, workhouses, and poorhouses, and provide for the government and support of the same, and make regulations to secure the general health of the city, and to prevent and remove nuisances, and to provide the city with water: *Provided*, The condemnation of such property outside of the city limits shall be regulated in all respects as provided by law for the condemnation of property for railroad purposes: *And provided further*, That the police jurisdiction of the city shall extend over such lands and property to the same extent as over public cemeteries.

SEC. 1406. The council (in cities of the second class)[2] may make regulations to prevent the introduction of contagious diseases into the city, may make quarantine laws for that purpose, and enforce the same within five miles of the city.

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[1] Cities having more than 15,000 inhabitants.

[2] Cities having more than 2,000 and less than 15,000 inhabitants.

SEC. 1539. He (the mayor, in cities of the third class)[1] shall have such jurisdiction as may be invested in him by ordinance over all places within 5 miles of the corporate limits of the city for the enforcement of any health or quarantine ordinance and regulation thereof.

SEC. 1574. *To regulate quarantine.*—The council (in cities of the third class)[2] may make regulations to prevent the introduction of contagious diseases into the city, may make quarantine laws for that purpose, and enforce the same within 5 miles of the city.

KENTUCKY.

[Carroll's Statutes, 1909.]

SEC. 2049. *Powers and duties—State board of health—Quarantine established—Common carriers to obey—Penalty.*—The board shall have general supervision of the health of the citizens of the State, and endeavor to make intelligent and profitable use of the collected records of the causes of sickness and death among the people. They shall make sanitary investigations and inquiry concerning the causes of the disease, and especially of epidemics and endemics; the causes of mortality and the effects of locality, employments, conditions, food, water supply, habits and other circumstances upon the health of the people. They shall make sanitary inspection and survey of such places and localities as they deem advisable; and when they believe there is a probability that any infectious or contagious disease will invade this State from any other State or country, it shall be their duty to take such action and adopt and enforce such rules and regulations as they may, in the exercise of their discretion, deem sufficient in preventing the introduction or spread of such infectious or contagious disease or diseases within this State. The better to accomplish such objects, they are empowered and directed to establish and strictly maintain quarantine at such places as they deem proper; and are further empowered to make and enforce any regulations to obstruct and prevent the introduction or spread of infectious or contagious diseases to or within the State. They may establish quarantine ground in some suitable place and establish the quarantine to be observed in such locality; and may there cause to be erected temporary buildings or hospitals necessary for the medical treatment of any persons who may be kept in quarantine and affected with contagious or infectious disease, for the inspection or disinfection of travelers' baggage, merchandise, and articles in transit through such quarantine grounds or stations; and they may enforce inspections of persons and articles at such stations or grounds, as well as the purification of persons, baggage, and articles, and require the transportation of passengers from said quarantine station; and shall assign the charge and control of each quarantine station to a competent physician and his necessary assistants or employees, who shall receive such compensation as the board may fix as the value of their service All companies or individuals operating or controlling railroads, steamboats, coaches, public and private conveyances, and steamers plying the Ohio River or its tributaries in this State shall obey the rules and regulations when made and published by the State board of health; and any person or owner having charge of any railway train, passenger coach, steamboat, or public or private conveyance who shall refuse to obey such rules and regulations when made and published by the State board of health shall be guilty of a misdemeanor, and for each offense shall be punished by a fine of not less than $50 nor more than $500 or be imprisoned in the county jail not less than 10 nor more than 60 days, or both so fined and imprisoned.

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[1] Cities having less than 2,000 inhabitants.

SEC. 2050. *Committees.*— * * * They are authorized to send either the secretary or a special committee of the board to consult and cooperate with the national board of health, the State boards of health of other States, or other sanitary organizations, with reference to location, drainage, water supply, the disposal of excrement, garbage, the heating and ventilation of public and private buildings; and the board is empowered to cooperate with other State boards of health in prosecuting sanitary investigations * * *

SEC. 2051. *Members sent on duty to be paid.*—Whenever the State board of health shall deem it necessary to send any member or members of said board to any place in this State for the purpose of establishing quarantine or to make any sanitary investigation or survey said board may allow such member or members so sent a reasonable compensation, * * *

SEC. 2052. *Secretary, duty of.*—The secretary * * * shall, so far as practicable, communicate with other State boards of health and with the local boards within the State; * * * he shall collect information concerning vital statistics, knowledge respecting diseases, and all useful information on the subject of hygiene; and, through an annual report and otherwise as the board may direct, shall disseminate such information among the people; and shall supply, on demand, to local boards of health reliable vaccine virus for gratuitous vaccination of the poor.

SEC. 2054 (as amended by chapter 11, acts of 1910). *Appropriation.*—The sum of $30,000 per annum, or so much thereof as may be found necessary by the State board of health, is hereby appropriated for the use of such board for the following purposes:

(*a*) To employ a State bacteriologist at a salary to be fixed by said board, not to exceed $2,500, and such assistants as may be found necessary for the proper maintenance of such laboratory.

* * * * * * *

(*c*) To establish and maintain a bureau of vital statistics, that the causes of sickness and mortality may be known and utilized.

(*d*) To control and prevent diseases among domestic animals.

* * * * * * *

(*g*) To arrange for an annual school for county and city health officers, at some centrally located place, for systematic instruction in the best practical manner for preventing the diseases above named (tuberculosis, typhoid fever, diphtheria, dysentery, scarlet fever, and other diseases which are practicably preventable and caused by polluted water and bad sanitary conditions), and other public health work, said school to continue in session at least three days; and it shall be the duty of each city and county health officer to attend and take part in such school unless prevented by an epidemic in his city or county, or for other reasons satisfactory to the officials conducting the school, * * *

The total expenses of the board shall not exceed the sum hereby appropriated except for the public printing of said board, which shall be paid for outside of this appropriation as other public printing is now paid.

SEC. 2055. *Local boards of health—Powers and duties.*—It shall be the duty of the State board of health to appoint three intelligent and discreet licensed and practicing physicians residing in each county of this State, who, together with the county judge and one person selected by the fiscal court of each county, shall constitute a local board of health for the respective counties in which they reside, * * * and such local boards are empowered, and it shall be their duty, to inaugurate and execute and to require the heads of families and other persons to execute, such sanitary regulations as the local board may consider expedient to prevent the outbreak and spread of cholera, smallpox, yellow

fever, scarlet fever, diphtheria, and other epidemic and communicable diseases, and to this end may bring the infected population under prompt and proper treatment during premonitory or other stages of the disease, and they are empowered to go upon and inspect any premises which they may believe are in an unclean or infectious condition, and it shall be empowered to fix and determine the location of an eruptive hospital for the county sufficiently remote from human habitation and public highways as in its judgment is safe, and said boards are authorized and shall have power to enforce the rules and regulations adopted by the State board of health, and any person who shall fail or refuse, after written notice from the local board or State board, to observe or obey the written request shall be fined not less than $10 nor more than $100 for each day he so fails or neglects, and it shall be the duty of physicians practicing their profession in any county in which a local board is organized to report all or any of the above-mentioned diseases under their special treatment to such local board, and it shall likewise be the duty of heads of families to report any of said diseases, when known by them to exist in their respective families, to such local board, or to some member thereof, within 24 hours from his or her knowledge of the existence of such disease, and such local board shall make report to the State board of health at least once in every three months:

First. Of the character of the infectious, epidemic, and communicable diseases prevailing in their county.

Second. The number reported as afflicted with such disease.

Third. The action taken by such boards in arresting the progress of such epidemics, and the visible effects of such action, and shall also make special reports when they deem it expedient, or when required by the State board, and the local board shall receive no compensation for such services.

The local board shall appoint a competent practicing physician, who shall be the health officer of the county and secretary of the board, whose duties shall be to see that the rules and regulations provided for in this act and the rules and regulations of the State board of health are enforced. * * *.

SEC. 2059. *City boards—Powers and duty.*—It shall be the duty of the council of every city in this State of 10,000 inhabitants or more to appoint a board of health for such city, * * *. It shall be the duty of the board of trustees or council of every incorporated city or town of less than 10,000 and more than 2,500 inhabitants to appoint a board of health for such city or town, * * *. Such local boards shall have the same powers within their respective cities and towns as local boards for counties are vested with by this chapter.

Sec. 2056. *Quarantine Established by Local Boards—Notice to State Board and Duty of—Penalty Against Carrier Violating Rules.*—In the counties bordering on the Ohio and Mississippi rivers, and on the State lines separating Kentucky from the States of West Virginia and Tennessee, the local boards of health are empowered to declare and maintain quarantine in said county or counties or in any particular place or places therein against the introduction of any contagious or infectious diseases prevailing in any other State or county. Provided, that so soon as such quarantine is established, the local board declaring the same, through its presiding or chief officer, shall, in writing, notify the State Board of Health of such quarantine, and the extent thereof; and thereupon the State Board of Health, in the exercise of its supervisory power over local boards, shall, as early as practicable, by their sanitary or executive committee, ascertain the necessity of such quarantine, and shall either approve of said quarantine, and enforce the same, or declare the same raised. The State Board of Health and its agents, employes, or the local boards of health, acting under the direction and regulations of the State board, when they have reasonable ground to believe that any packet or other steamboat, barge, or other

water craft navigating the Mississippi or Ohio rivers, or any of their tributaries, is infected with any epidemic or infectious disease, are empowered to prevent the landing of such craft at any point or places on the Kentucky shore; and they are also empowered, when they have reasonable grounds to believe any railway train, coach, or other vehicle contains persons or articles infected with epidemic or infectious diseases, to detain at any station or point on such railway or road, such train, coach, or vehicle for a time sufficient to disinfect or purify the same: Provided, quarantine has been established at such station or place by action of said boards; and any railway conductor, driver or person in charge of any coach or vehicle who shall wilfully avoid or prevent the inspection or purification of the coaches or vehicles under his charge or control shall be guilty of a misdemeanor, and fined not less than fifty nor more than five hundred dollars, and imprisoned not less than ten nor more than sixty days, or both so fined or imprisoned.

SEC. 2057. *Boards may Examine into Causes of Disease—Notice to Remove Nuisance—Penalty.*—The State Board of Health and the local boards shall have power and authority to examine into all * * * causes of sickness that may, in their opinion, be injurious to the health of the inhabitants within any county in this State, or in any vessel within any harbor or port in any county in this State; and whenever any such * * * cause of sickness shall be found to exist on any private property, or in any vessel within any port or harbor of any county in this State, or upon any water course in this State, the State Board of Health, or local boards of health, shall have power and authority to order, in writing, the owner or occupant thereof, at his own expense, to remove the same within twenty-four hours, or within such reasonable time thereafter as such board may order; and if the owner or occupant shall neglect so to do, he shall be fined not less than ten nor more than one hundred dollars, and each day's continuance of such * * * cause of sickness, after the owner or occupant thereof shall have been notified to remove same, shall be a separate offense.

SEC. 2058. *Duty of County Attorney.*—It shall be the duty of the county attorney of each county to prosecute any person who shall violate the provisions of this chapter.

SEC. 2060. *Penalty for not reporting disease.*—* * * Any physician or head of a family who shall fail or refuse to report to the local board of health cases of cholera, smallpox, yellow fever, scarlet fever, diphtheria, and other epidemic diseases as provided for in section 2055 of the act mentioned in the title of this act shall be fined not less than $5 for each day he neglects or refuses to report.

SEC. 2062. *Appropriation to prevent yellow fever and cholera—Expenditures to be reported.*—The sum of ten thousand dollars be, and the same is hereby appropriated, which shall constitute a "contingent fund," any part of which may, from time to time, be used for preventing the introduction of cholera or yellow fever into this State, or for the suppression thereof if introduced. No part of the ten thousand dollars shall be used for any other purpose than that expressed in this section, nor shall any part thereof be used except at such time or times as in the judgment of the Governor of this Commonwealth necessity therefor exists: but whenever, in the judgment of the Governor, it shall be necessary to take action to prevent the introduction or spread of either of said diseases, he is authorized and directed, from time to time, to draw his written order for so much of the ten thousand dollars as may be necessary in favor of the State Board of Health, and on receipt of such order the auditor shall draw his warrant on the treasurer for the amount of such orders of the Governor, and said sums so received by the State Board of Health, or so much

thereof as may be necessary, shall be expended by said board in the work of protecting the people of this State against the introduction or spread of these diseases.

The State Board of Health shall keep a full and separate account of all moneys expended out of said ten thousand dollars' appropriation, and shall report an itemized statement thereof to the General Assembly.

SECTION 4607. *Penalty for importing into State.*—If any person shall wilfully or designedly import or bring the smallpox or any variolous or infected matter of the said disease into this Commonwealth from any other country or place whatsoever, or shall cause the same to be done, he shall forfeit and pay the sum of one thousand dollars.

SEC. 4615. *Patients having smallpox—Care to be taken of.*—Every person superintending a hospital or other place where a patient having smallpox is confined, shall prohibit all intercourse therewith of persons not having had the disease, and shall, before discharging a patient, or suffering him to be removed, take due care that his person is thoroughly cleansed, and his clothes, such as have not been infected with the disease, under the penalty of ten dollars.

SEC. 4616. *Persons going where smallpox is may be confined.*—If any person who has never had smallpox shall go into a house where the disease is, or associate with a person who is afflicted therewith, any justice of the peace, on due proof of the fact, may cause such person to be conveyed to some house or place in the county where the disease will not spread, there to remain until he shall have gone through the disease, or until a physician shall certify that he will not take same. If such person be not able to pay the expense of his nursing, the county shall pay the same.

SEC. 4617. *Penalty for wilfully spreading.*—If any person shall wilfully endeavor to spread or propagate the smallpox he shall be subject to be indicted and fined the sum of five hundred dollars, or to be imprisoned for six months.

SEC. 4618. *Penalty for person having smallpox going in public places.*—Any person who, having reason at the time to believe himself afflicted with the disease of smallpox, shall voluntarily go upon any public highway or street, or to any place at which people are accustomed to collect or assemble, or who shall enter or go on board any steamboat, railroad car or other public conveyance, and all persons who shall knowingly aid or assist any one thus to offend, shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than one hundred nor more than one thousand dollars.

SEC. 4448. *School attendance.*—When any family shall have any infectious or contagious disease, no member of such family shall attend any school until the trustees thereof shall allow them to do so; and during the prevalence in the district of dangerous epidemics the trustees shall order the school closed; but the teacher shall not be required to lose the time of this forced suspension, unless so stipulated in his contract.

SEC. 3909. *Pest houses excluded from cities.*—It shall not be lawful to locate or maintain any pest-house or other place intended for the treatment of eruptive diseases, or diseases which are contagious or infectious, within the corporate limits of any incorporated city or town, or within a distance of one mile of the boundary line thereof. Any officer of any city or town, or other person, who shall violate the provisions of this act, or in anywise aid or abet therein, shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any court of competent jurisdiction, shall be fined not less than five hundred dollars nor more than one thousand dollars, and be liable in damages to any person injured thereby, and, if wilfully done, such person or his heirs or representatives may recover punitive damages.

SEC. 2861. *Public health duties—Board of public safety.*—The board of public safety (in cities of the first class) * * * shall have exclusive control, under the ordinances of the general council, of all matters relating to * * * the health department, * * * and of all the charitable * * * institutions of the city, including the city hospital, the almshouse, the city dispensary, the pesthouse, * * *. Said board shall also have charge of the registration of births * * * and deaths within the city, and the collection and publication of such statistical information as may be useful or necessary.

SEC. 3058. *Powers, cities.*—The general council (in cities of the second class) shall have power by ordinance:

1. To establish and enforce quarantine laws and regulations to prevent the introduction and spread of contagious diseases in the city, and within 2 miles thereof, * * *; to establish and maintain public hospitals within or without the city, and to that end may condemn property therefor, or to contract with others for such purposes; to regulate hospitals, infirmaries, etc., within the city, and to secure the general health of the inhabitants by any necessary measure; * * *.

SEC. 3290. The common council of each of said cities (of the third class) shall, within the limitations of the constitution of the State and this act, have power by ordinance:

3. To prevent the introduction of contagious diseases into the city, to make quarantine laws for the purpose and enforce the same within 10 miles of the city.

4. To establish and erect hospitals, * * * make regulations for the government thereof, and to acquire and hold land for the purpose, either within or beyond the boundaries of the city.

16. To make all police regulations to secure and protect the general health, comfort, * * * and safety of the public; and to define, declare, prevent, suppress, and remove nuisances either within the city or within 1 mile thereof.

SEC. 3490. The board of council (in cities of the fourth class) * * * shall have power within the city:

1. To pass ordinances not in conflict with the constitution or laws of this State or of the United States, * * *.

6. To make regulations to prevent the introduction or spreading of contagious or infectious diseases in the city; to pass quarantine laws for that purpose, and to enforce the same within 1 mile of the city; to establish and regulate hospitals or pesthouses in or outside the city; to make all regulations necessary to secure the general health of the inhabitants of the city, and to regulate and provide for the burial of the dead.

SEC. 3637. The city council of such city (a city of the fifth class) shall have power to pass ordinances not in conflict with the constitution or laws of this State or of the United States, * * *.

7. To do and perform any and all acts and things necessary and proper to carry out the provisions of this chapter, and to exact and enforce, within the limits of such city, all other local, police, sanitary, and other regulations as do not conflict with general laws.

SEC. 3704. The board of trustees of such town (a city of the sixth class) shall have power:

1. * * * to pass ordinances not in conflict with the constitution or laws of this Commonwealth or of the United States, * * *.

7. To do and perform any and all other acts necessary or proper to carry out the provisions of this chapter, and to enact and enforce within the limits of such town all other local, police, sanitary, and other regulations as do not conflict with general laws.

[Act 192, 1898.]

SEC. 3 (as amended by act 150, 1902). *Powers and duties state board of health.*—Said board shall have all the powers, authority, and jurisdiction now possessed by the existing State board of health under present laws now in force, except in so far as modified and changed by the provisions of this act. It shall have exclusive jurisdiction, control, and authority over maritime quarantine within the State, as now provided by existing laws of the State. It shall have supervisory power over land quarantine and over the care and control of infectious and contagious disease within the State, in order to accomplish the subsidence and suppression thereof and to prevent the spread of same. Such supervision and control shall be exercised in the manner and to the extent hereinafter laid down in this act. It shall prepare or cause to be prepared a sanitary code for the State of Louisiana which shall contain and provide rules and regulations and ordinances of a general nature for the improvement and amelioration of a hygienic and sanitary condition of the State. * * *. When so printed said code shall cover and provide for, specially, land and maritime quarantine regulations; the reporting, care, management of cases of infectious and contagious diseases; it shall regulate the manner of keeping and reporting and tabulating vital and mortuary statistics; it shall provide for affording facilities for vaccination, provided the same shall not be made compulsory, except in cases of children attending the public schools of a parish where smallpox prevails, and when the same shall have been recommended by a majority of the local board of health; it shall regulate the carriage and transportation of persons, freight, and dead bodies brought into the State or transported through or in the State, in so far as the same may affect the public health; * * *; it shall provide for the inspection of * * *, milk, * * * and other articles affecting the public health and safety, where and when the same may be brought into one parish from another, or from outside the State, leaving to the local boards hereinafter provided, the regulation of the sale or offering for sale of said articles within the parish or municipality to which the same may be brought; and said code shall contain general rules in regard to such health, sanitary, and hygienic subjects, as can not, in the opinion of the State board of health, be efficiently and effectively regulated by the local boards. And any violation of any provision or provisions, or regulation or regulations, of said code shall constitute a misdemeanor, and the offender shall be punished by a fine of $25 or 30 days' imprisonment in the parish jail for each and every offense, on conviction before any court of competent jurisdiction. The board shall have the power to appoint inspectors and other necessary officers and employees and fix the salaries thereof. All inspectors, officers, and employees of the said board shall have power to arrest without warrant all persons violating the provisions or any rule or regulation of the said board, when such violation has occurred within the sight, view, or personal knowledge of said inspector, officer, or employee, and in all cases where said violation may not have occurred within the sight, view, or personal knowledge of said inspector, officer, or employee, said functionary shall have only the right to arrest in execution of a warrant duly issued by the president of the board. It is hereby made the duty of all sheriffs, their deputies, constables and their deputies, police officers of towns and cities, and all other peace officers to aid and assist in the arrest and apprehension of all persons violating the articles of any rule or regulation of the State board

of health; to themselves arrest and apprehend all offenders committing the offense in their view or sight or within their personal knowledge. The members of the State board of health and every person duly authorized by them may, without fear or hindrance, enter, examine, and inspect all grounds, erections, structures, public buildings, and places. The State board shall at all times keep in readiness one or more medical inspectors and nurses, medicines, clothing, bedding, appliances, tents, and other necessary paraphernalia, so as to repair to any locality in the State that applies to it for assistance upon the outbreak of an infectious or contagious disease with the view of stamping out the same. An annual appropriation of $5,000 shall be made to start this first help. The local authorities shall keep up the work at their own expense after it has been started.

SEC. 7. *Powers and duties parish and municipal boards of health.*—Said parish and municipal boards of health shall have power and authority to pass health and sanitary ordinances * * * for the disposition of foecal matter and garbage; to regulate the erection of buildings with due regard to the filling of lots and the grading thereof, and the arrangements of said buildings; * * * the keeping of vital statistics to be registered and reported to the State board of health under its instructions and regulations, and generally all health and sanitary ordinances necessary and incident to the proper local sanitation of the parish, city or town in which they exercise their powers.

They shall act under the supervision and advice of the State board of health, and shall pass no ordinances in conflict or inconsistent with the powers and duties of the State board of health, but shall in all health and sanitary measures which they may adopt, be auxiliary to and act in harmony with the State board of health and shall make such reports monthly to said State board of health and furnish such other information as the State board of health may require, * * *.

The object and purpose of this act being hereby declared to be to entrust full power and authority to such local boards to establish, control and administer all matters of strictly and purely local sanitation, not affecting other portions of the State.

For the city of New Orleans the State board alone shall have power to establish quarantines. Local boards of health shall have power to establish quarantines with the cooperation of the councils of municipalities and the police juries. The State board shall have supervisory power over all local quarantines so established.

All necessary expenses, costs and charges of local sanitation shall be borne by the parish, city or town, in which the local board shall be established, and in case the fiscal authorities thereof shall refuse to budget for, appropriate or pay to the same, the local boards shall have right to the writ of mandamus before a court of competent jurisdiction to compel the proper action by said parish, city or town authority.

SEC. 8. *Handling of communicable diseases.*—In the event that any case shall be reported to, or come to the knowledge of any local board, which is either deemed to be a case of contagious or infectious disease, or suspected of so being, the local board shall immediately isolate the same and communicate the fact by the most expeditious means at hand to the State board of health, together with the information as to what steps have been taken by the local board to isolate and care for the same, and shall from time to time communicate the progress of the case and disease to the State board of health. On receipt of such informtion by the said board of health, the president of said board shall, if he deem the emergency sufficient and necessary, send expert

physicians to be selected by him to examine and diagnose the disease, and if on such examination and diagnosis the experts shall declare the case to be one of obnoxious or infectious nature, liable to spread, or to become dangerous to the general public health of the State, the State board of health or its president shall instruct the health officer of the board of health of the parish, city or town as to what additional steps, if any, shall be taken to isolate the case, and prevent the spread of the contagious or infection therefrom and shall require that the local health officer shall immediately conform thereto, and put the same in operation. In the event that said local authorities shall fail or neglect to so act within a reasonable time, or in so acting shall fail to do so in a manner satisfactory to the State board or its president, the State board or its president shall take charge of the case and manage the same, through its own officers or employees.

All expenses, costs and charges incurred in the management, control and supervision in such cases shall be borne and paid by the parish, town or city in which the case may be, and on the failure of the parish or municipality to reimburse the State board the amount of its expenditures incurred in such cases the State board of health shall have the right to proceed by writ of mandamus in any court of competent jurisdiction to compel the payment of the same.

In case that any parish, town or city, or any portion thereof, shall become infected with any contagious or infectious disease, to such an extent as to threaten the spread of such disease to the other portions of the State, the State board of health shall issue its proclamation declaring the facts and ordering it in quarantine, and shall order the local boards of health in other parishes, town and cities, to quarantine against said locality and shall establish and promulgate the rules and regulations, terms and conditions on which intercourse with said infected locality shall be permitted, and shall issue to the other local sanitary authorities instructions as to the measures adopted in quarantining against persons, goods, or other property coming from said infected localities, and these rules and regulations, terms and conditions shall be observed and obeyed by all other health authorities, provided that should any other of the non-infected portions of the State desire to add to the regulations and rules, terms and conditions already imposed by the State board, they may do so, on approval of the State board of health. The State board of health may, in its discretion, prohibit the introduction into any infected portion of the State, persons acclimated, unacclimated or said to be immune, when in its judgment the introduction of such persons would add to or increase the prevalence of the disease. The State board of health shall render to the local boards of health all the assistance in their power and which the condition of their finances will permit.

[Act No. 269 of 1858.]

SECTION 1. *Quarantine.*—Be * * * The board of health shall have power to employ nurses and assistants to attend the sick, and such other persons as may be required to carry out proper quarantine duties, and to fix their compensation, also to make all needful rules and regulations for the maintenance of quarantine, and to impose fines not exceedig five hundred dollars for contravention of established rules; the board of health shall have power to remove or cause to be removed any substance which they deem detrimental to the health of New Orleans, and the street commissioner shall execute their orders whenever not in conflict with the ordinances for the city or the laws of the State; to pass sanitary ordinances for the city, provided such are approved by the council, and published as city ordinances; to define the duties of officers appointed by them.

SEC. 4. In case of emergency, the board of health shall have power to issue proclamation of quarantine without reference to the governor, and to enact all needful regulations for the enforcement of the same.

[Act 115, 1882.]

SECTION 1. Any person or persons removing, tearing down or destroying small-pox or yellow fever flags when placed upon doors, gates or any conspicuous place of any building in the State, by duly authorized officers of the board of health, or any officers of the Crescent police, shall be fined not less than five nor more than twenty-five dollars ($25); and in case of default of payment, shall be subject to imprisonment of not less than five, nor more than twenty-five days, or both, at the discretion of the court.

SEC. 2. All cases in violation of the above, shall be tried before any recorder's court of the parish of Orleans.

[Act No. 135 of 1894.]

SECTION 1. *Tearing streets in summer.*—It shall be unlawful for any person, firm, contractor, or corporation to tear up any street in any city for the purpose of laying tracks, sewer pipes, gas or water pipes, or other work of like character which might necessitate digging and overturning the earth of said streets, from May 1st to September 1st in each year, except under the following conditions, to-wit:

Provided that the contractor, builder or persons carrying on such work shall not tear up, interrupt or obstruct more than three blocks of any mile of street at one and the same time. Provided that permission be first obtained from State board of health to conduct such operations during such season, under its supervision.

SEC. 2. Any contractor, foreman of contractor, superintendent or other person who shall violate this law shall be forthwith arrested, and on conviction shall be fined not less than one hundred dollars ($100.00) or imprisonment for not less than sixty days, at the discretion of the court, for each offense.

[Act 270, 1908.]

* * * * * * *

Mosquito breeding places.—Whereas, the use of cisterns, tanks and wells and other similar water receptacles, as a source of drinking water, is deleterious to the public health, and in the city of New Orleans such receptacles are breeding-places for the insects that cause yellow fever and malarial fever; and,

* * * * * * *

SECTION 1. Whenever the public water plant of the city of New Orleans, now in process of construction by the sewerage and water board, shall have been completed, and put into operation, the said board shall have power, and it shall be its duty, by proper ordinances and regulations to be adopted by it, to require all inhabited premises in the city of New Orleans to be connected with the mains of said system, and to take therefrom at least such water supply as shall be used on said premises for drinking and domestic purposes, exclusive of sewerage, at rates to be fixed, in virtue of the powers heretofore vested in said board.

S53. 2. Said board shall have power to cause the abolition and removal of all cisterns and tanks, and the closing of all wells (except artesian wells), and other water receptaces situated on improved premises, and shall have power to regulate the use thereof; provided, that none of the regulations established by it shall contravene the health ordinances of the city of New Orleans.

* * * * * * *

[Act No. 45, of 1896.]

(As amended by act No. 40, of 1898; act No. 84, of 1898; act No. 39, of 1900; act No. 44, of 1902; act No. 110, of 1902; act No. 131, of 1902; act No. 216, of 1902; act No. 200, of 1904; and act No. 64, of 1908.)

SEC. 14. *Public health, powers of city councils.*—The councils shall have the power and it shall be their duty to pass such ordinances and see to their faithful execution as may be necessary and proper: (2) To maintain its cleanliness and health, and to this end: (*a*) To adopt and provide an efficient system of drainage * * * and to adopt such ordinances and regulations as shall be necessary or expedient for the protection of health and to prevent the spread of disease, and to maintain a good sanitary condition in the streets, public places and buildings, and on all private premises. The common council shall provide for the frequent inspection of all premises by persons to be designated either by the common council or by the board of health in the city; they shall also prescribe what water supply shall be provided by the owners of private premises and that all premises, yards, streets, and alleys shall be kept in a cleanly condition; shall provide for the punishments of any violation, by fine or imprisonment, or both; * * *.

[Act 136, of 1908.]

SEC. 15 (as amended by act No. 230, 1908). *Municipal sanitary powers.*—The mayor and board of aldermen of every city, town, and village * * * shall have power:

Third. To make regulations to secure the general health of the municipality; * * * to regulate or prohibit the construction of privy vaults and cesspools, and to regulate or suppress those already constructed; to compel and regulate the connection of all property with the sewers and drains; * * *.

Twenty-fifth. To make regulations to prevent the introduction and spread of contagious or infectious diseases; to make quarantine laws not contrary to the general State laws on the subjects, and to enforce the same within 5 miles of the corporate limits; to establish pesthouses within or without the corporate limits, and to provide for the support and government of the same.

[Act No. 120 of 1886.]

SECTION 1. *Introduction of infectious material.*—It shall be unlawful for any person or persons to introduce or attempt to introduce or use into the State of Louisiana any substance, matter or thing which, in the opinion of the Board of Health of the State of Louisiana, may produce a liability to contagion or infection of any disease among the population of the State of Louisiana, whether the same shall be in the form of bacteria germs, microbes, virus (vaccine virus excepted), or any substances, matters or things containing or supposed or claimed to contain the elements of any contagious or infectious disease, disorder, or malady, or whether the same be claimed to be, or really is for the purpose of inocculation or any other purpose, unless the person or persons so introducing the said substance, matter or thing, shall have obtained prior to said introduction, the permission, in writing, from the said Board of Health of the State of Louisiana, which permission shall specify the manner, condition, form and method in which said substances, matters or things shall be introduced and used within the limits of the State, the terms of which permit shall be strictly complied with by the person or persons so introducing the said substance, matter or thing, under the pains and penalties for the violation of the same, as hereinafter provided by this act.

SEC. 2. *Penalty.*—Any person or persons who shall introduce, or attempt to introduce, or use any such substance, matter or thing into the State of Louisiana, or shall violate the permit granted by the Board of Health, shall be arrested, removed to and detained at the lower quarantine station, and shall be subjected, together with his apparel, baggage, goods and effects, to the same treatment, fumigation and disinfection as an infected person, and to detention for such a length of time as the Board of Health of the State of Louisiana may deem necessary, and to the seizure and destruction of said contagious or infectious substance, matter or thing.

[Act No. 85 of 1892.]

SECTION 1. *Leprosy.*—Whereas the disease known as leprosy, which is contaminating and dangerous to the public health and welfare, exists in this State, and that persons afflicted with said disease are permitted to be at large, thus endangering public health.

SEC. 2. *Leprosarium.*—All persons afflicted or suffering with said disease of leprosy shall be confined in an institution isolated and used for the treatment of said disease, and it shall be a misdemeanor for any one to harbor a leper or lepers, and the penalty to be imposed upon any one harboring said leper or lepers and refusing to commit them to the care of said institution shall, on conviction before any committing magistrate in this State, be subject to a fine of not less than five dollars nor more than $25, or imprisonment for a term not exceeding thirty days; said fine shall go to the support of said institution, and said party so found to be a leper shall be committed to said institution. That whenever it shall be made known to the Judge of the District Court, by the petition and oath of any individual, that any person afflicted with leprosy within his district ought to be sent to or confined in said institution, it shall be the duty of said judge to issue a warrant to bring before him, in chambers, said person so afflicted with leprosy, and after proper inquiry into all the facts and circumstances of the case, if in his opinion he ought to be sent or confined in said institution, he shall make out his warrant to the sheriff of the parish, commanding him to convey said leper to said institution; for which duty the sheriff shall have the right to demand the same fees as are now allowed by law for the conveyance of insane persons to the State Insane Asylum, which shall be paid out of the parish treasury upon the order of the District Judge, and likewise all other expenses previously incurred in bringing said person before the District Judge.

SEC. 3. The buildings and institution situated in the city of New Orleans, in this State, now used or that may hereafter be selected or directed to be used for the care of and treatment of leprosy, under a contract with the city of New Orleans, by virtue of an ordinance No. 5785, passed and adopted on the thirty-first day of March, 1891, shall be the institution to which lepers shall be sent and committed under the penalties provided for in section 2 of this act.

[Act No. 80 of 1894.]

SECTION 1 (as amended by act No. 180 of 1898). *Board of Control, Leper Home.*—A Board of Control for the Leper Home, consisting of nine members to be appointed by the Governor of the State by and with the advice and consent of the Senate is hereby declared a body politic and corporate; shall be domiciled at New Orleans, La., shall have a seal, may sue and be sued, contract and be contracted with; may hold, purchase, sell and convey property, whether movable or immovable, which may be necessary or beneficial to the care and maintenance of lepers; may accept and receive bequests and donations and disburse same in accordance with the wishes of the donors.

SEC. 2. *Appropriation.*—The sum of five thousand dollars be and the same is hereby set apart for the purposes of repairing and constructing and improving such buildings as may be necessary for the purposes of said Institute.

SEC. 3. *Annual appropriation.*—The sum of ten thousand dollars per annum be and the same is hereby appropriated for the purpose aforesaid, and the Auditor is hereby authorized to warrant monthly for the said amounts on the order of the President of said Board, countersigned by the Secretary of same.

SEC. 4. *Organization, Board of Control.*—As soon as practicable after the appointment of said Board, they shall meet and organize by electing a President and Secretary, whose duties shall be prescribed by said Board. All vacancies, whether by death, resignation or otherwise, on said Board shall be filled by the Governor.

SEC. 5. The amount of appropriation provided for herein shall take effect and be available from and after the organization and appointment of said Board, and whose salaries shall be fixed by the Board, and after the election of said physician having been certified to by the Secretary of State.

[Act No. 61 of 1900.]

SECTION 1. *Leprosarium.*—The Board of Control for the Leper Home of this State is hereby authorized to select a suitable site for the establishment of a permanent Leper Home in this State, with the approval of the Governor, and to construct the necessary buildings and improvements thereon.

SEC. 2. For the purpose aforesaid the sum of Twenty-five Thousand ($25,000.00) Dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of the General Fund for the said purpose.

MAINE.

[Revised Statutes, 1903, ch. 18.]

SEC. 2. *Powers and duties State board of health.*—The State board of health shall have the general supervision of the interests of health and life of the citizens of the State. They shall study the vital statistics of the State and endeavor to make intelligent and profitable use of the collected records of deaths and of sickness among the people; they shall make sanitary investigations and inquiries respecting the causes of disease and especially of communicable diseases and epidemics, the causes of mortality, and the effects of localities, employments, conditions, ingesta, habits, and circumstances on the health of the people; they shall investigate the causes of disease occurring among the stock and domestic animals in the State and the methods of remedying the same; they shall gather such information in respect to all these matters as they may deem proper for diffusion among the people; they shall, when required or when they shall deem it best, advise officers of the Government, or other boards within the State, in regard to the location, drainage, water supply, disposal of excreta, heating, and ventilation of any public institution or building; * * * they shall have general oversight and direction of the enforcement of the statutes respecting the preservation of health; * * *

SEC. 4. *Secretary.*—The secretary * * * shall, as far as practicable, communicate with other State boards of health and with the local boards of health within this State; * * *. He shall collect information concerning vital statistics, knowledge respecting diseases, and all useful information on the subject of hygiene, and, through an annual report and otherwise, as the board may direct, shall disseminate such information among the people.

SEC. 7. *Public health information.*—In order to afford to this board better advantages for obtaining knowledge important to be incorporated with that collected through special investigations and from other sources, all officers of the State, the physicians of all incorporated companies, and the president or agent of any company chartered, organized, or transacting business under the laws of this State, as far as is practicable, shall furnish to the State board of health any information bearing upon public health which may be requested by said board for the purpose of enabling it better to perform its duties of collecting and distributing useful knowledge on this subject.

SEC. 8 (as amended by ch. 149, acts of 1913). *Inspections, etc.*—The more effectually to protect the public health the State board of health may establish such systems of inspection as in its judgment may be necessary to ascertain the actual or threatened presence of the infection of Asiatic cholera, smallpox, diphtheria, scarlet fever, plague, or typhus fever; and any duly authorized agent or inspector of said board may enter any building, vessel, railway car, or other public vehicle to inspect the same and to remove therefrom any person affected by said diseases; and for this purpose he may require the person in charge of any vessel or public vehicle other than a railway car to stop such vessel or vehicle at any place, and he may require the conductor of any railway train to stop his train at any station or upon any sidetrack and there detain it for a reasonable time: *Provided,* That no conductor shall be required to stop his train when telegraphic communication with the dispatcher's office can not be obtained or at such times or under such circumstances as may endanger the safety of the train and passengers; *And provided further,* That any such agent or inspector may cause any car which he may think may be infected with any of said diseases to be sidetracked at any suitable place and there be cleansed, fumigated, and disinfected. And the said board of health may from time to time, make, alter, modify, or revoke rules and regulations for guarding against the introduction of any infectious or contagious diseases into the State, including rabies, or hydrophobia, of animals and men; for the control and suppression thereof if within the State; for the quarantine and disinfection of persons, localities, and things infected or suspected of being infected by such diseases; for guarding against the transmission of infectious and contagious diseases through the medium of common towels, common drinking cups and other articles which may carry infection from person to person; for the sanitation of railway service and that of other common carriers; for the transportation of dead bodies when death results from any infectious or contagious disease; for the speedy and private interment of the bodies of persons who have died from said diseases; and, in emergency, for providing those sick with said diseases with necessary medical aid and with temporary hospitals for their accommodation and for the accommodation of their nurses and attendants. And the said board may declare any and all of its rules and regulations made in accordance with the provisions of this section to be in force within the whole State, or within any specified part thereof, and to apply to any person or persons, family, camp, building, vessel, railway car, or public vehicle of any kind.

SEC. 9. *Rules and regulations.*—Any rules and regulations adopted by the State board of health in the premises shall be immediately submitted by it to the governor and council, and unless approved in writing by the governor and council within 30 days after such submission such rules and regulations shall thereafter become ineffective. Should the governor and council disapprove any rules and regulations so submitted to them within 30 days and so notify the secretary of the State board of health in writing, the rules and regulations so disapproved shall, upon such notification, immediately become ineffective and void. Such rules and regulations, if of general application, shall be published

in the State paper; but whenever, in the judgment of the board, it shall be necessary to do so, special rules and regulations or orders relating to said diseases may be made for any town, village, or city without such publication, and the service of copies of such rules, regulations, or orders upon such town, village, or city through the officers thereof shall be a sufficient notice thereto; and the rules, regulations, or orders of the State board of health made in accordance with the provisions of this section shall, for the time being and until the same are revoked, supersede all local rules, regulations, by-laws, or ordinances that may be inconsistent or in conflict therewith.

All health officers, local boards of health, municipal officers, sheriffs, constables, police officers, and marshals shall enforce the rules and regulations of the State board of health made as provided in the two preceding sections in every particular affecting their respective localities and duties; and any person who shall neglect or refuse to obey the said rules and regulations, or who shall wilfully obstruct or hinder the execution thereof, shall be punished by a fine of not more than $500, or by imprisonment in the county jail for a period of not more than six months, or by both fine and imprisonment. And all authorities of every county, city, town, and village corporation, all local boards of health, and all officers and persons in charge of the institutions, buildings, and vehicles mentioned in section 8 shall cooperate with the State board of health in carrying out the provisions of this section and the two preceding sections; and in case such cooperation be refused, withheld, or neglected, the said board may execute its orders and directions by agents of its own appointment; and all expenses incurred by members of the State board of health or by duly appointed agents of said board under the provisions of this section shall be paid by the State, the bills first being approved by the governor and council.

SEC. 21. *State laboratory of hygiene.*—The State board of health may establish and equip with the proper and necessary apparatus, instruments, and supplies a State laboratory of hygiene, for the chemical and bacteriological examination of water supplies, milk and food products, and the examination of cases and suspected cases of diphtheria, typhoid fever, tuberculosis, glanders, and other infectious and contagious diseases.

SEC. 30. *Powers and duties, local boards of health.*—Each local board of health constituted under section twenty-four shall:

(3) (As amended by ch. 78, acts of 1909.) Guard against the introduction of contagious and infectious diseases by the exercise of proper and vigilant medical inspection and control of all persons and things coming within the limits of its jurisdiction from infected places, or which for any cause are liable to communicate contagion; give public notice of infected places by displaying red flags or by posting placards on the entrance of the premises; require the isolation of all persons and things that are infected with, or have been exposed to, contagious or infectious diseases, and provide suitable places for the reception of the same; and furnish medical treatment and care for persons sick with such diseases who can not otherwise be provided for; prohibit and prevent all intercourse and communication with, or use of, infected premises, places, and things, and require, and if necessary, provide the means for the thorough cleansing and disinfection of the same before general intercourse therewith, or use thereof, shall be allowed. And it shall report to the State board of health promptly facts which relate to infectious and epidemic diseases, and every case of smallpox, varioloid, diphtheria, scarlet fever, typhoid fever, cerebrospinal meningitis, measles, membraneous croup, so called, whooping cough occurring within the limits of its jurisdiction, and such notification shall be in accordance with the requirements of the blanks furnished by the said State board.

(5) (As amended by ch. 130, acts of 1909.) Make, alter, and amend such orders and by-laws as they shall think necessary and proper for the preservation of life and health and the successful operation of the health laws of the State, subject to the approval of any justice of the supreme judicial court. * * * Notice shall be given by the board of health of all by-laws made or amended by them by publishing the same in some newspaper, if there is one published in such town; if there is none, then in the nearest newspaper published in the county; or by posting copies of said by-laws in six conspicuous and public places within the town; and a record of such publication, or posting, of said orders and by-laws in the office of the town clerk shall be deemed a legal notice to all persons.

[Revised Statutes, 1903, chapter 4.]

SEC. 93. *Municipal sanitary powers.*—Towns, cities, and village corporations may make by-laws or ordinances, not inconsistent with law, and enforce them by suitable penalties for the purposes and with the limitations following:

(3) Respecting infectious diseases and health.

(4) For regulating the going at large of dogs.

[Revised Statutes, chapter 18.]

SEC. 31. *Disinfection.*—When any local board of health is of opinion that the cleansing and disinfecting of any house, building, car, vessel or vehicle, or any part thereof, and of any article therein likely to contain infection, would tend to prevent or check infectious disease, such local board of health shall give notice in writing to the owner, agent or occupier of such house, building, car, vessel or vehicle, or part thereof, requiring him to cleanse and disinfect to the satisfaction of the health officer, or board of health, such house, building, car, vessel or vehicle, and said articles within a time specified in such notice.

SEC. 32. If the person to whom notice is given, fails to comply therewith, he shall be liable to a penalty of not less than five, nor more than ten dollars for every day during which he continues to make default; and the local board of health shall cause such house, building, car, vessel or vehicle, or any part thereof, and articles to be cleansed and disinfected at the expense of the town, and the town may recover the expenses so incurred from the owner, agent or occupier in default, by an action of special assumpsit.

SEC. 33 (as am. by ch. 78, acts of 1909). *Reports from householders.*—Whenever any householder knows or has reason to believe that any person within his family or household has smallpox, diphtheria, scarlet fever, cholera, typhus or typhoid fever, cerebro-spinal meningitis, measles, membraneous croup, so called, or whooping-cough, he shall within twenty-four hours, give notice thereof to the health officer of the town in which he resides, and such notice shall be given either at the office of the health officer, or by a communication addressed to him and duly mailed within the time above specified, and in case there is no health officer, to the secretary of the local board of health, either at his office or by communication as aforesaid.

SEC. 34. *Duties of parents and householders.*—No householder in whose dwelling there occurs any of the above mentioned diseases, shall permit any person suffering from any such disease, or any clothing or other property to be removed from his house, without the consent of the board, or of the health officer, and the said board or health officer, shall prescribe the conditions of removal.

SEC. 35. No parent, guardian or other person, shall carelessly carry about children or others affected with infectious diseases, or knowingly or wilfully introduce infectious persons into other persons' houses, or permit such children under his care, to attend any school, theatre, church or any public place.

Sec. 36. *Reports from physicians.*—Whenever any physician knows or has reason to believe that any person whom he is called upon to visit, is infected with any of the diseases mentioned in section thirty-three, such physician shall within twenty-four hours, give notice thereof to the secretary of the local board of health, or the health officer of the town in which such person lives.

Sec. 37. The secretary or health officer of each local board of health in the state, who shall have knowledge of any violation of the provisions of the preceding section occurring within the jurisdiction of such local board of health, shall forthwith give notice thereof in writing and of all facts within his knowledge in relation thereto, to the county attorney of the county in which such violation has occurred and said county attorney shall thereupon examine into the case and take such action in the matter as the circumstances of the case require.

Sec. 38. *Duties of individuals.*—No person affected with smallpox, scarlet fever, diphtheria or cholera, and no person having access to any person affected with any of the said diseases, shall mingle with the general public until such sanitary precautious as may be prescribed by the local board of health shall have been complied with.

Sec. 39. *Release from quarantine.*—Persons recovering from smallpox, scarlet fever, diphtheria or cholera, and nurses who have been in attendance on any person suffering from any such disease, shall not leave the premises until they have received from the board of health or health officer, a certificate that they have taken such precautions as to their persons, clothing and all other things which they propose bringing from the premises as are necessary to insure the immunity from infection of other persons with whom they may come in contact, and no such person shall expose himself in any public place, shop, street, inn or public conveyance without having first adopted such precautions.

Sec. 40. *Duties of nurses.*—Nurses and other attendants upon persons sick with smallpox, scarlet fever, diphtheria or cholera, shall adopt for the disinfection and disposal of excreta, and for the disinfection of utensils, bedding, clothing and other things which have been exposed to infection, such measures as may be ordered in writing, by the local board of health.

Sec. 41. *Infected articles.*—No person shall give, lend, transmit, sell or expose any bedding, clothing, furniture or other article which has been used by persons affected with smallpox, scarlet fever, diphtheria, measles, cholera, plague or pulmonary tuberculosis or consumption, or from rooms which have been occupied by such persons, without first having said articles disinfected to the satisfaction of the local board of health.

Sec. 42. Any local board of health may direct the destruction of any bedding, clothing or other articles, which have been exposed to infection.

Sec. 43. *Protection of schools.*—Whenever smallpox, diphtheria, scarlet fever or other contagious disease, shall appear in a town, the local board of health shall immediately notify the teachers of the public schools in the neighborhood, of the fact, and all teachers and school officers when thus notified, or when otherwise they shall know or have good reason to believe that any such disease exists in any house in the neighborhood, shall exclude from the schoolhouse, all children and other persons living in such infected houses or who have called or visited at such houses, until such time as the local board of health shall certify that such children or other persons may safely be readmitted.

Sec. 44. When persons from houses or places which are infected with any of the diseases specified in the preceding section, have entered any schoolroom, or when, from any other cause, the schoolroom has probably become infected, the teacher shall dismiss the school, and notify the school officers and local board of health, and no school shall be again held in such schoolroom

until the room has been disinfected to the satisfaction of the local board of health, and the school officers and board of health shall cause the room to be disinfected as soon as possible.

SEC. 45. *Unsanitary tenements.*—The board, when satisfied upon due examination, that a cellar, room, tenement or building in its town, occupied as a dwelling place, has become, by reason of want of cleanliness, or other cause, unfit for such purpose, and a cause of sickness to the occupants or the public, may issue a notice in writing to such occupants, or the owner or his agent, or any of them, requiring the premises to be put into a proper condition as to cleanliness, or, if they see fit requiring the occupants to quit the premises within such time as the board may deem reasonable. If the persons so notified, or any of them, neglect or refuse to comply with the terms of the notice, the board may cause the premises to be properly cleansed at the expense of the owner, or may close the premises, and the same shall not be again occupied as a dwelling place, until put in a proper sanitary condition. If the owner thereafter occupies or knowingly permits the same to be occupied, without putting the same in a proper sanitary condition, he shall forfeit not less than ten nor more than fifty dollars.

SEC. 46. *Shall not infect carriages.*—No person having smallpox, diphtheria, scarlet fever, cholera or other disease dangerous to public health, shall enter, nor shall any person allow any one under his charge who has any such disease, to enter any conveyance without having previously notified the owner or person in charge of such conveyance, of the fact of his having such disease.

SEC. 47. The owner or person in charge of any such conveyance shall not, after the entry of any person so infected into his conveyance, allow any other person to enter it, without having sufficiently disinfected it under the direction of the local board of health, or the supervision of the health officer.

SEC. 48. *Infected houses shall not be let.*—No person shall let or hire any house or room in a house in which smallpox, diphtheria, scarlet fever, cholera, pulmonary tuberculosis or consumption, or typhoid fever has existed, without having caused the house and the premises used in connection therewith, to be disinfected to the satisfaction of the local board of health.

SEC. 49. Any member of a local board of health, or any health officer or other person employed by the local board of health, may, when obstructed in the performance of his duty, call to his assistance, any constable or other person he thinks fit, and every such constable or person so called upon, shall render assistance.

SEC. 50. *Penalty section.*—Whoever wilfully violates any provision of the twenty-six preceding sections, or of said regulations and by-laws, or neglects or refuses to obey any order or direction of any local board of health or health officer authorized by said provisions, the penalty for which is not herein specifically provided, or wilfully interferes with any person or thing, to prevent the execution of the provisions of said sections or of said regulations and by-laws, shall be punished by a fine of not more than fifty dollars: judges of municipal and police courts and trial justices, shall have jurisdiction original and concurrent with the supreme judicial and superior courts, of all offenses under said sections.

SEC. 51. *Infectious diseases: Further powers of local boards.*—When any person is or has recently been infected with any disease or sickness dangerous to the public health, the local board of health, of the town where he is, shall provide for the safety of the inhabitants, as they think best, by removing him to a separate house, if it can be done without great danger to his health, and by providing nurses and other assistants and necessaries, at his charge or that

of his parent or master, if able; otherwise, at that of the town to which he belongs.

SEC. 52. When an infectious or malignant distemper is known to exist in any place out of the state, the local board of health of any town in the state, may, by giving such public notice therein as they find convenient, require any person coming from such place to inform one of them or the town clerk of his arrival, and from what place he came; and if he does not, within two hours after arrival, or after actual notice of such requirement, give such information, he forfeits one hundred dollars to the town.

SEC. 53. The local board of health may prohibit any such person, from going to any part of their town where they think that his presence would be unsafe for the inhabitants; and if he does not comply, they may order him, unless disabled by sickness, forthwith to leave the state in the manner and by the road which they direct; and if he neglects or refuses so to do, any justice of the peace in the county, on complaint of one of said local board of health, may issue his warrant to any proper officer or other person named therein, and cause him to be removed from the State; and if during the prevalence of such distemper in the place where he resides, he returns to any town in the State, without the license of its local board of health, he forfeits not exceeding four hundred dollars.

SEC. 54. The local board of health of any town near or adjoining the state line, may, by writing under their hands, appoint suitable persons to attend at any places by which travelers may pass into such town from infected places in other states or provinces, who may examine such passengers as they suspect of bringing with them any infection dangerous to the public health, and if need be, may restrain them from traveling until licensed thereto by one of said board; and any such passenger who without such license travels in this state, except to return by the most direct way to the state or province whence he came, after he has been cautioned to depart by the persons so appointed, forfeits not exceeding one hundred dollars.

SEC. 55. *Removal of infected persons and goods.*—Any two justices of the peace may issue a warrant, directed to a proper officer, requiring him to remove any person infected with contagious sickness, under the direction of the local board of health of the town where he is; or to impress and take convenient houses, lodgings, nurses, attendants, and other necessaries for the accommodation, safety and relief of the sick.

SEC. 56. When on application of the local board of health of a town, it appears to any justice of the peace that there is just cause to suspect that any baggage, clothing or goods therein, are infected with any malignant contagious distemper, he shall, by a warrant directed to a proper officer, require him to impress so many men as said justice thinks necessary, to secure such infected articles, and to post said men as a guard over the place where the articles are lodged, who shall prevent any persons from removing or approaching such articles, until due inquiry is made into the circumstances.

SEC. 57. He may by the same warrant, if it appears to him necessary, require said officer, under the direction of the local board of health, to impress and take convenient houses or stores for the safe keeping of such infected articles, and cause them to be removed thereto, or otherwise detained, until the local board of health think that they are free from infection.

SEC. 58. Said officer, if need be, may break open any house, shop or other place mentioned in the warrant, where infected articles are, and require such aid as is necessary to execute it; and any person who at the command of any such officer, fails to assist in such execution, shall be subject to a fine not exceeding ten dollars.

SEC. 59. The charges for securing such infected articles and of transporting and purifying them, shall be paid by the owners thereof, at the price determined by the local board of health.

SEC. 60. When the officer impresses or takes any house, store, lodging or other necessaries, or impresses any man, as herein provided, the parties interested shall have a just compensation therefor, to be paid by the town in which such persons or property were impressed.

SEC. 61. When a malignant infectious distemper prevails in any town wherein the supreme judicial court, the superior court, or court of county commissioners is to be held, said courts may be adjourned and held in any town in said county, by proclamation made in such public manner as such courts judge best, as near their usual place of meeting as they think that safety permits.

SEC. 62. When any person in a jail, house of correction or workhouse, is attacked with a disease, which the local board of health of his town, by medical advice, consider dangerous to the safety and health of other prisoners, or of the inhabitants of the town, they shall, by their order in writing, direct his removal to some place of safety, there to be securely kept and provided for until their further order; and if he recovers from such disease, he shall be returned to his place of confinement.

SEC. 63. If he was committed by an order of court or judicial process, the order for his removal, or a copy thereof attested by the local board of health, shall be returned by them with the doings thereon into the office of the clerk of the court from which such order or process was issued. No such removal shall be deemed an escape.

SEC. 66. *Infected vessels. Quarantine.*—If a master, seaman or passenger of a vessel, in which there is, has lately been, or is suspected to have been, any infection, or which has come from a port where any infectious distemper prevails, dangerous to the public health, refuses to answer, on oath, such questions as are asked him relating to such infection or distemper, by the local board of health of the town to which such vessel comes, which oath any member of said board may administer, he shall forfeit not exceeding two hundred dollars, or be imprisoned not more than six months.

SEC. 67. When a vessel arrives at a port having on board any person infected with a malignant disease, the master, commander or pilot shall anchor it at some convenient place below the town of such port, at a distance safe for the inhabitants thereof, and the persons on board other vessels in said port; and no person or thing on board shall be brought on shore, until the local board of health gives its written permit.

SEC. 68. For the wilful violation of the preceding section, such master or commander forfeits not exceeding two hundred, and the pilot not exceeding fifty dollars for each offense.

SEC. 69. The local board of health of a seaport town may cause vessels arriving there to perform quarantine at such place and under such regulations as they judge expedient, when they think that the safety of the inhabitants requires it; and whoever neglects or refuses to obey such orders and regulations, shall forfeit not exceeding five hundred dollars, or be imprisoned not exceeding six months.

SEC. 70. When such local board of health thinks it necessary to order all vessels, arriving there from any particular port or ports, to perform quarantine, they shall give notice thereof to the pilots of their port; who shall make it known to the masters of all vessels which they board. A pilot who neglects to do so, or who contrary thereto pilots any vessels up to said seaport town, forfeits not exceeding one hundred dollars.

SEC. 71. If the master or commander of a vessel takes it up to any seaport town after notice that a quarantine has been so directed for all vessels coming from the port or place whence his vessel sailed; or by false declarations, or otherwise, fraudulently attempts to elude such directions; or lands or suffers to be landed from his vessel any person or thing, without permission of the local board of health, he shall be punished as provided in section sixty-nine.

SEC. 72. The local board of health of every seaport town requiring vessels to perform quarantine shall provide, at the expense of such town, a suitable number of red flags at least three yards in length; and the master of every vessel ordered to perform quarantine shall, during the term thereof, cause one of them to be continually kept at the head of the mainmast of his vessel; and no person shall board such vessel during said term unless by permission of said local board of health; if he does, he shall be thereafter held liable to the same regulations and restrictions as those belonging to said vessel; and shall there be detained by force, if necessary, until discharged by said local board of health.

SEC. 73. In every seaport town the health officer may perform all the duties and exercise all the authority of the local board of health in requiring vessels to perform quarantine.

SEC. 74. Expenses incurred on account of any person, vessel or goods, under quarantine regulations, shall be paid by such person, or the owner of the vessel or goods, as the case may be.

SEC. 75. *Town hospitals.*—A town may establish therein one or more hospitals for the reception of persons having the smallpox or other diseases dangerous to the public health; or its local board of health may license any building therein as a hospital, which shall be under the control of said board; but no such hospital shall be within one hundred rods of an inhabited dwelling house in an adjoining town without the consent of its local board of health.

SEC. 76. Whoever inoculates himself or any other person, or suffers himself to be inoculated with the smallpox, unless at some lawful hospital, forfeits not exceeding one hundred dollars for each offense.

SEC. 77. When a hospital is so established or licensed, the physicians, the persons inoculated or sick therein, the nurses, attendants, and all who come within its limits, and all furniture or other articles used or brought there, shall be subject to the regulations made by the local board of health.

SEC. 78. When smallpox or other disease dangerous to the public health breaks out in a town, the local board of health shall immediately provide such hospital or place of reception for the sick and infected, as they judge best for the accommodation and safety of the inhabitants; such hospitals and places are subject to their regulations the same as established hospitals; and they shall cause such sick and infected to be removed thereto, unless their condition will not permit it without imminent danger; in which case, the house or place where the sick are, shall be deemed a hospital for every purpose aforesaid; and all persons residing in, or in any way concerned with it, are subject to hospital regulations.

SEC. 79. When any disease dangerous to the public health exists in a town, the municipal officers shall use all possible care to prevent its spread and shall give public notice of infected places to travelers, by displaying red flags at proper distances, and by all other means most effectual, in their judgment, for the common safety.

SEC. 80. If any physician or other person in such hospitals or places of reception, attending, approaching, or concerned therewith, violates any lawful regulation in relation thereto, with respect to himself or his or another's property, he forfeits not less than ten, nor more than one hundred dollars, for each offense.

SEC. 81. All forfeitures mentioned in the last thirty preceding sections, except otherwise provided, inure to the town where the offense is committed.

[Acts of 1909, ch. 25.]

SECTION 1. *Assistance during quarantine.*—Whenever any person or family is placed in quarantine by a board of health, to protect the public against smallpox, scarlet fever, diphtheria, or any other dangerous or contagious disease, it shall be the duty of said board to assist such person or family, if indigent or in a needy condition while in quarantine, in such a manner as in the judgment of the board may be deemed wise and necessary.

SEC. 2. All expenses including all supplies of food and medicine including antitoxin incurred in carrying out the provisions of section one of this act, or incurred in furnishing families or persons affected with tuberculosis with burnable spitcups, or other supplies needed to prevent the spread of infection, or such part thereof as the board may determine, shall be deemed a legitimate expenditure for the protection of the public health and shall be charged to the account of incidental expenses of the town, but not to any pauper account, nor shall any person so quarantined and assisted, be considered a pauper, or be subject to disfranchisement for that cause unless such persons are already paupers as defined by the Revised Statutes.

[Acts of 1909, ch. 55.]

SECTION 1. *Diphtheria antitoxin.*—To provide for the control of diphtheria and other contagious diseases, local boards of health shall furnish antitoxin free to all indigent persons suffering from such diseases, in such manner as the State board of health may direct.

SEC. 2. The State board of health is instructed and directed to make contracts with reputable manufacturers for the sale of antitoxin to the local boards of health in such manner as is deemed best and most economical for the several towns, and said State board may arrange several towns and plantations into groups for the purchase of antitoxin when it appears that such arrangement would be the best, most convenient and most economical for them.

SEC. 3. The antitoxin shall be kept by the secretary or chairman of the local board, and shall be furnished physicians upon application on blanks provided and furnished by the State board.

SEC. 4. The local board shall provide a repository for antitoxin which may be furnished to any physician at the same rates as furnished by the State board of health and to their patients on prescriptions. The local board of health in any town furnishing an indigent residing in another town antitoxin upon application, as above provided, shall be reimbursed by the town where the patient resides. The State shall reimburse cities or towns furnishing antitoxin to any person having no legal residence in any city or town within the State.

[Revised Stats. 1903, ch. 141.]

SEC. 34. *Removal of prisoners.*—If a pestilence or contagious sickness breaks out among the convicts in the prison, the inspectors and warden may cause any of them to be removed to some suitable place of security, where they shall receive all necessary care and medical assistance; and to be returned as soon as may be to the prison, to be confined according to their sentences, if unexpired.

[Acts of 1913, ch. 82.]

SECTION 1. *Occupational diseases.*—Every physician attending upon or called in to visit a person whom he believes to be suffering from poisoning from lead, phosphorus, arsenic, or mercury, or their compounds, or from anthrax, or from

compressed-air illness, or any other ailment or disease contracted as a result of such person's occupation or employment, shall, within 10 days after his first attendance upon such person, send to the State board of health a written notice stating the name and full post-office address and place of employment of such person, and the nature of the occupation and the disease or ailment from which, in the opinion of the physician, the person is suffering, with such other specific information as may be required by the State board of health.

SEC. 2. In like manner, as is provided in section 1, shall every case of lead poisoning and of suspected lead poisoning, which has resulted from the use of water which contains lead or is suspected of containing lead, be reported to the State board of health, and when such reports are received the said board shall do what it can by laboratory work and otherwise to enable the attending physician to determine whether the case is one of lead poisoning and, if so, the source of the poison.

SEC. 3. Any physician who shall fail to perform the duty imposed by section 1 of this act within the time therein limited shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than $5 nor more than $10.

SEC. 4. It shall be the duty of the State board of health and of the county attorney of the county wherein any person violating the provisions of this act may reside to prosecute all violations of the provisions of this act which shall come to the knowledge of them or either of them.

MARYLAND.

[Code of 1904, article 43.]

2. *Powers and duties State board of health.*—The State board of health shall have the general care of the sanitary interests of the people of this State; they shall make sanitary investigations and inquiries respecting the causes of disease, and especially epidemics, the causes of mortality, and the influence of locality, employments, habits, and other circumstances and conditions upon the health of the people; * * *

3. *Epidemics.*—The said board * * * shall have authority to send their secretary or a committee of the board, to any part of the State, at any time, when necessary, to investigate the cause of any special or unusual sickness or mortality. In the event of an epidemic or pestilential disease occurring in any county, city, or village of the State, the board shall forthwith cause all needful sanitary measures and precautions to be taken, which the emergency may call for, and which may be consistent with law, and shall be approved by the governor, said approval to be expressed in writing; and upon the application of said board, with the approval of the governor, the comptroller is hereby authorized to draw his warrant upon the treasury in favor of the board for an amount not exceeding $10,000, to be paid out of any unappropriated money in the treasury, to be applied and expended under the direction of the governor and the said board of health, in carrying out such needful sanitary measures and precautions.

5. *Duties of secretary.*—The secretary * * * shall, whenever necessary or practicable, correspond and consult with boards of health of other States, and with local boards and health officers in this State, and secure an interchange of all useful sanitary information, especially respecting the causes, treatment, and progress of epidemics; * * * he shall, when requested by local boards, visit their respective districts, cities, or villages to investigate the cause of any existing disease, and shall, from time to time, and whenever directed by the

governor or legislature, make special inspections of public hospitals, asylums, prisons, and other institutions; * * * he shall collect information concerning vital statistics, prevailing diseases, and the general hygiene of the State, and through an annual report and otherwise, as the board may direct, shall disseminate such information among the people; * * *

SEC. 5A (added by ch. 165, acts of 1912). *Occupational diseases.*—Every physician attending an or called in to visit a patient whom he believes to be suffering from poisoning from lead, phosphorus, arsenic or mercury or their compounds, or from anthrax, or from compressed air illness or any other ailment or disease contracted as a result of the nature of the patient's employment, shall send to the "State Board of Health" a written notice stating the name and full postal address and place of employment of the patient, and the nature of the occupation and the disease from which in the opinion of the physician, the patient is suffering, with such other specific information as may be required by the "State Board of Health." If any Physician, when required by this Section to send a notice, fails forthwith to send the same he shall be liable to a fine not exceeding five dollars. It shall be the duty of the State Board of Health to enforce the provisions of this Act, and it may call upon the local boards of health and health officers for assistance and it shall be the duty of all boards and officers so called upon for such assistance to render the same. It shall furthermore be the duty of said State Board of Health to transmit such data to the Chief of the Maryland Bureau of Statistics and Information, who shall record said data and include the same and a summary thereof in his annual report.

21. *Rules and regulations.*—Whenever the State board of health shall have cause to believe that there is any danger of cholera, smallpox, or other contagious or infectious disease invading the State or country, it shall be the duty of the said board to take such action and adopt and enforce such rules and regulations as may be necessary to prevent the introduction or spread of such infectious or contagious disease within this State, and any person or persons or corporations refusing or neglecting to obey such rules and regulations shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $500 for every such offense. Whenever necessary, the State board of health may call public conferences of health officers, or may, by a vote of a majority of its members, send a delegate to any conference of local, State, or national health officers.

21*b* (created by ch. 560, acts of 1910). *Bureau of communicable diseases*—The bureau of communicable diseases shall secure accurate and complete returns of communicable diseases in Maryland; it shall examine into the prevalence and causes of such diseases and devise means for their control; it shall examine into and investigate epidemics * * * and devise means for their control; * * *

21*c* (as amended by ch. 153, acts of 1912). *Bureau of bacteriology.*—The bureau of bacteriology shall conduct inquiries into the nature, source, and vehicles of infectious diseases; it shall establish and maintain, under the direction of the State board of health, a properly equipped laboratory. The services of the said bureau shall be free to all local boards of health and to all practicing physicians of the State for such inquiries concerning infectious and contagious diseases as the said board may from time to time direct, and to the vaccine agent for testing vaccine virus; it shall examine into and analyze public and private water supplies, milk and other foods. It shall examine properly prepared specimens from all animals known or suspected to be suffering from hydrophobia or rabies, and shall perform such other duties and exercise such

other functions as the State board of health or the secretary thereof shall designate.

21*d* (ch. 560, 1910). *Bureau of chemistry.*—The bureau of chemistry shall conduct inquiries into the nature, source, and vehicles of infectious diseases, and into the nature and character of sewage, trades wastes, and into nuisances. It shall examine and analyze, free of cost, public and private water supplies, milk and such other foods, * * *

SEC. 25. *Duties, local boards of health.*—The local board of health of each county * * * shall act in conjunction with the State board of health, and shall report to said board such facts in reference to the sanitary condition of their respective counties as they may deem important or necessary; they may adopt and enforce all needful rules and regulations concerning * * * causes of sickness within their respective jurisdictions, subject to the provisions of this article; * * *

29. *Suppression of communicable diseases.*—Whenever any local or county health officer shall receive reliable notice, or shall otherwise have reason to believe that there is within the limits of his sanitary jurisdiction a case of cholera, smallpox, or other disease dangerous to the public health, he shall immediately investigate the matter and take all proper steps for the restriction or suppression of such disease or diseases, and the said county commissioners may incur and pay as other county expenses are paid the necessary and legitimate expenses thereof; he shall promptly notify the secretary of the State board of health of the existence of any epidemic or unusual sickness or mortality that may come to his knowledge within his own sanitary jurisdiction or contiguous thereto, and when thus informed, it shall be the duty of the secretary of the State board of health to cooperate with and aid the local health authorities in making scientific and practical investigation into the cause or causes of any existing disease, and in devising the most efficient means for its restriction or suppression or for the exclusion of any threatened disease; and to this end he may exercise all the powers of the State board of health.

30. *Local health authorities may order disinfection.*—When the health authority of any city or town, or any justice of the peace for any county, is of opinion, on the certificate of a qualified medical practitioner, that the cleansing and disinfecting of any house or part thereof, and of articles therein likely to retain infection, would tend to prevent or check infectious diseases, it shall be the duty of such authority or justice of the peace, to give notice in writing to the owner or occupier of such house or part thereof, requiring him or her to cleanse and disinfect such house or part thereof, and articles, within a time specified in such notice; and if the person to whom such notice is so given fails to comply therewith, he or she shall be liable to a penalty of not less than five dollars and not exceeding ten dollars for every day during which he or she continues to make default; and the health authority or justice of the peace, as the case may be, shall cause such house or part thereof, and articles, to be cleansed and disinfected, and may recover the expenses incurred from the owner or occupier in default, as other fines and forfeitures are recoverable; provided, that where the owner and occupier of any such house or part thereof is, from poverty or otherwise, unable, in the opinion of such health authority or justice of the peace, effectually to carry out the requirements of this section, such authority or justice of the peace may, without enforcing such requirements on such owner or occupier, clean and disinfect such house or parts thereof, and articles, and the city, town or county in which such house is situated shall defray the expenses thereof.

31. *Infected articles.*—Any health authority in any city or town or any justice of the peace for the county, may direct the disinfection or destruction of

any bedding, clothing or other articles which have been exposed to infection from any dangerous infectious disorder: *Provided*, That when any person sustains any damage by reason of the exercise of any of the powers of this article, in relation to any matter as to which he is not himself in default, reasonable compensation shall be made by the municipal or county authorities to such person.

32. *Removal to hospital.*—Where any suitable hospital or place for the reception of the sick is provided, within a convenient distance, any person who is suffering from any dangerous infectious disease, and is without proper lodging or accommodation, or lodged in a room occupied by more than one family, or is on board of any ship or vessel, may, on a certificate signed by a qualified medical practitioner, and with the consent of the superintending body of such hospital or place, be removed by order of any health authority or justice of the peace to such hospital or place at the cost of the city or county in which such case may occur; and any person who willfully disobeys or obstructs the execution of such order shall be deemed guilty of a misdemeanor, and shall be fined not less than fifty dollars or more than two hundred dollars, or be imprisoned in jail, in the discretion of the circuit court for the county or criminal court of Baltimore, not less than one month or more than six months.

33. *Public exposure.*—Any person who, while suffering from any dangerous infectious disorder, willfully exposes himself or herself, without proper precautions against spreading the said disorder in any street, public place, shop, inn or public conveyance, or enters any public conveyance, without previously notifying the owner, conductor or driver that he is so suffering, or being in charge of any person so suffering, so exposes such sufferer, or gives, lends, sells, transmits or exposes, without previous thorough disinfection, any bedding, clothing, rags, or other things which have been exposed to infection from any such disorder, shall be liable to a penalty not exceeding five hundred dollars, or imprisonment not exceeding twelve months, or both, in the discretion of the circuit court for the county or criminal court of Baltimore.

34. *Carelessness in letting children about.*—Any person, parent or guardian or other party who carelessly carries about children or others affected with infectious diseases, or who knowingly or willfully introduces infectious persons into other persons' houses, or permits children under his or her care to attend any school, theatre, church or any public place where they will be brought in contact with others, shall be liable to a penalty not exceeding one hundred dollars for each and every such offence.

34 F. *Puerperal fever.*—Every person not a legally qualified physician, practising as mid-wife, or acting as attendant upon woman in child-bed in this State, who shall find any lying-in woman to have fever, shall forthwith notify the health officer of the district, and shall refrain from attendance upon any other parturient woman, or women in child-bed, until the local health officer shall give her written permission to resume such practice. Every mid-wife, obstetrical nurse or other person, not a legally qualified physician, attending for pay or hire, upon any lying-in-woman, or woman in child-bed, shall send his or her name and address to be registered in the office of the Registrar of Vital Statistics for the city, town or county in which he or she resides. And any person violating the provisions of this Act shall be guilty of a misdemeanor, and shall, upon conviction, be fined not exceeding one hundred dollars, or imprisonment not exceeding six months or be both fined and imprisoned in the discretion of the Court.

35. *Disinfection, conveyances.*—Every owner or driver of a public conveyance shall immediately provide for the disinfection of such conveyance, in any manner to be approved by the local health authority, after it has conveyed anyone

suffering from a dangerous infectious disorder, or the corpse of anyone who has died from any such disorder, and if he fails to do so he shall be liable to a penalty not exceeding twenty-five dollars; but no such owner or driver shall be required to convey any person so suffering until he has been paid a sum sufficient to cover any loss or expense incurred by him in carrying into effect the provisions of this section.

36. *Hiring infected houses.*—Any person who knowingly lets for hire any house, room or part of a house in which any person has been suffering from any dangerous infectious disorder, without having such house, room or part of a house and all articles therein liable to retain infection, disinfected to the satisfaction of a qualified medical practitioner, as testified by a certificate signed by him, shall be liable to a penalty not exceeding two hundred and fifty dollars; and any person letting for hire or showing for the purpose of letting for hire any house or part of a house or room, who, being questioned by any person negotiating for the hire of such house or part of a house or room as to the fact of there being, or within six weeks previously having been therein, any person suffering from any dangerous infectious disorder, knowingly makes a false answer to such questions, shall be liable to a penalty not exceeding five hundred dollars, or to imprisonment for a period not exceeding twelve months.

37. *Dead bodies.*—When the body of anyone who has died of any infectious disease is retained in a room in which persons live or sleep, or any dead body which is in such a state as to endanger the health of the inmates of the same house or room, any health officer or justice of the peace may, on a certificate signed by a qualified medical practitioner, or the application of three persons living in the neighborhood, order the body to be removed and buried at the cost of the city, town or county, within a time to be limited by such order; and unless the friends or relatives of the deceased undertake to bury the body within the time so limited and do bury the same, it shall be the duty of the said health officer or justice of the peace to have such body buried at the expense of the city, town or county; and any person or persons obstructing the execution of any order made by any health officer or justice of the peace under this section shall be liable to a penalty not exceeding two hundred dollars, or imprisonment not exceeding six months.

38. *Hospital.*—The municipal or county authorities may provide, for the use of the inhabitants of their respective city, town or county, hospitals or temporary places for the reception of the sick; and for that purpose may themselves build such hospitals or places of reception, or contract for the use of any such hospitals or places of reception, or enter into any agreement with any person having the management of any hospital for the reception of the sick inhabitants of their city, town or county, on payment of such sums as may be agreed on; or two or more local authorities may combine in providing a common hospital.

39. *Expense.*—Any expenses incurred by the authorities of any city, town or county in maintaining in a hospital or in a temporary place for the reception of the sick a patient who is not a pauper, shall be deemed to be a debt due from such patient to the authorities aforesaid, and may be recovered from him at any time within twelve months after the discharge from such hospital or place of reception, or from his estate, in the event of his dying in such hospital.

50. *Notification of infectious diseases.*—Whenever any householder knows that a person within his family or house is sick of small-pox, diphtheria, membranous croup, scarlet fever, typhoid fever, typhus fever, measles, mumps, whooping cough, or any other infectious or contagious disease, dangerous to public health, he shall immediately give notice thereof to the Board of Health of the city or county in which he dwells, and upon the death, recovery or removal of such

person or persons, such of the rooms of said house and such of the articles therein as, in the opinion of the local "Board of Health," have been subjected to infection or contagion shall be disinfected by said Board of Health, and a written statement of the fact of such disinfection shall be given to such householder. Any person neglecting or refusing to comply with any of the provisions of this section shall be punished by a fine not exceeding one hundred dollars.

51. Whenever any physician knows that any person whom he is called to visit is infected with small-pox, diphtheria, membranous croup, scarlet fever, typhoid fever, typhus fever, yellow fever, measles, whooping-cough, or any other contagious or infectious disease, dangerous to public health, he shall immediately give notice thereof in writing over his own signature, to the Board of Health of the city, or town or county in which such disease exists; and if he refuses or neglects to give notice he shall be fined not less than fifty nor more than two hundred dollars.

52. *Records.*—The Boards of Health in the several cities, towns and counties shall cause a record to be kept of all reports received in pursuance of the preceding sections and such record shall contain the names of all persons who are sick with infectious or contagious diseases, the localities in which they live, the disease with which they are affected, together with the date and names of the persons reporting any such cases, and the record of quarantine, isolation, disinfection and other preventive measures. The Boards of Health shall give the School Boards, of their respective counties, cities, or towns immediate information of all cases of infectious or contagious diseases reported to them according to the provisions of this subtitle.

53. *Reports to State Board of Health.*—When any Board of Health has had notice of the occurrence, within its sanitary jurisdiction, of a case of small-pox, or any other contagious or infectious disease dangerous to public health, such Board of Health shall, within twenty-four hours after the receipt of such notice, notify the State Board of Health of the same.

54. *Diagnosis.*—All questions of doubt concerning the cause or nature of any sickness believed or suspected to be of any infectious or contagious character, shall be referred to the State Board of Health; * * *

55. *Puerperal fever.*—Every person not a legally qualified physician, practising as mid-wife, or acting as attendant upon woman in child-bed in this State, who shall find any lying-in woman to have fever, shall forthwith notify the health officer of the district, and shall refrain from attendance upon any other parturient woman, or women in child-bed, until the local health officer shall give her written permission to resume such practice. Every mid-wife, obstetrical nurse or other person, not a legally qualified physician, attending for pay or hire, upon any lying-in-woman, or woman in child-bed, shall send his or her name and address to be registered in the office of the Registrar of Vital Statistics for the city, town or county in which he or she resides. And any person violating the provisions of this section shall be guilty of a misdemeanor, and shall, upon conviction, be fined not exceeding one hundred dollars, or imprisonment not exceeding six months or be both fined and imprisoned in the discretion of the Court.

66. *Reports of deaths.*—Whenever any physician, or person acting as a physician, shall know or shall have cause to believe that any person whom he has attended during the last illness of such person in this State, outside the limits of the City of Baltimore, has died of small-pox, cholera, yellow fever, typhoid or typhus fever, diphtheria, leprosy, or any other disease of a contagious, infectious or epidemic character, the said physician, or person acting as a physician, shall, over his own signature, immediately give notice thereof to the

Secretary of the State Board of Health, which notice shall state the cause of the death, the name, age, sex and color of the deceased, and such other information in connection with the existence and spread of the disease as may be deemed important for the protection of the public health; and if no physician has been in attendance during the last illness, or at the time of the death of such person, then it shall be the duty of the householder in whose house or upon whose premises the death occurred, to transmit to the Secretary of the State Board of Health the facts in accordance with the requirements of this section.

67. *Hotel keepers, etc., to report.*—Whenever any hotel-keeper, keeper of a boarding or lodging house, superintendent, manager or director of a private or public institution of any kind, shall know or be informed by a physician, or shall have reason to believe that any guest, inmate or other person in the hotel, boarding-house, lodging-house or institution over which he or she may have control or supervision, or on the premises thereof, is sick with or convalescing from small-pox, cholera, yellow fever, typhus or typhoid fever, scarlet fever, leprosy or any other infectious or contagious disease, the said owner, proprietor, manager or other person having charge, shall immediately give notice thereof in writing to the Health Officer of the city or town in which the infected house or premises is located, or to the Secretary of the State Board of Health, if there is no local Health Officer who can efficiently deal with the case; said notice shall state the name and place of residence of the person sick, the name of the disease, the name of the owner, proprietor or manager of the house, and the locality of said house; and it shall be the duty of the local or State Health Officer, as the case may be, to take such steps and do such things as may be necessary to render effective the provisions of sections 30 to 39, both inclusive.

68. *Penalties.*—Any person or persons who shall neglect or refuse to comply with the provisions of the two foregoing sections shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in a court of competent jurisdiction, be fined not more than fifty dollars for every such offence.

70. *Infected articles.*—The said Board of Health shall also make such regulations as they may deem necessary for the public health and safety respecting any articles which are capable of containing or conveying any infection or contagion, or creating any sickness, or for the disinfecting of any house, room or premises where contagious or infections disease has existed, and any person who shall sustain damages by reason thereof shall receive compensation, in accordance with the provisions of section 31. If any person shall violate, or refuse or neglect to comply with any such regulation he shall forfeit a sum not exceeding fifty dollars.

[Added by ch. 358, acts of 1906.]

SEC. 34a. *Shoddy.*—No person, firm or company or corporation shall be permitted to manufacture in part or in whole, any mattress, bed, cot, lounge or sofa, wool, shoddies, or shoddies manufactured from cast-off clothing or other fabric which has previously been in the use of or worn by any other person or persons. And all such manufacturers or dealers in mattresses are hereby prohibited from making or offering for sale any such mattress, bed, cot, lounge or sofa, where wool, shoddies, or shoddies manufactured from cast-off clothing are used for filling or topping in stuffing the said mattresses, beds, cots, lounges and sofas.

SEC. 34b. *Mattresses.*—Manufacturers of mattresses, and the other articles mentioned in the foregoing section of this Article are hereby required to sew a label on the exterior of said mattresses and other articles of manufacture, de-

scribing by name each and every material used for filling or stuffing purposes, and contained therein. The said label shall be of linen paper or some other white manufactured fabric, shall be in size 2½ x 3 inches, and shall have every article used in the manufacture of said mattress or other article plainly printed or written in the English language on said label, so that the purchaser can read the same; and in case said purchaser cannot read, the seller shall read said label to him, and such label shall be a guarantee of the material used in the manufacture of the article sold, and shall remain on said mattress when sold and delivered. Any person offending against the provisions of this sub-title of this Article of the Code shall be deemed guilty of a misdemeanor, and on conviction before a justice of the peace shall be fined for each offense not less than twenty-five nor more than fifty dollars, and in default of payment be committed to a jail for not less than ten nor more than thirty days, unless sooner discharged by payment or by due process of law. No manufacturer or seller of said articles shall be required to state on said label the quantity of the different materials used, but only the character and quality.

[Code of 1904, Art. 41.]

SEC. 17. *Governor may enforce quarantine.*—Whenever the governor shall have strong grounds from the information of physicians or otherwise to apprehend that there is danger of any malignant, contagious disease being introduced into this State from foreign parts, or from any of the United States, he may compel any vessel coming to any of our ports, shores or harbors, to ride quarantine, and may forbid all intercourse or communication, either by land or water, between this State and the place affected, or lay such intercourse under such regulations and restrictions as he may think advisable, and take all measures and do all things which may appear to him necessary to give effect to the objects of this section.

MASSACHUSETTS.

[Revised Laws, ch. 75.]

SEC. 4 (as amended by ch. 104, acts of 1912). *Powers and duties of State board of health.*—Said board shall take cognizance of the interests of health and life among the citizens of the Commonwealth, make sanitary investigations and inquiries relative to the causes of disease, and especially of epidemics, the sources of mortality and effects of localities, employments, conditions and circumstances on the public health, and relative to the sale of drugs and food and the adulterations thereof; and shall gather such information relative thereto as it considers proper for diffusion among the people. It shall advise the government relative to the location and other sanitary conditions of any public institutions; and shall have oversight of inland waters, sources of water supply and vaccine institutions, and may, for the use of the people of the Commonwealth, produce and distribute antitoxin and vaccine lymph and such specific material for protective inoculation against typhoid fever and other diseases as said board may from time to time deem it advisable to produce and distribute. It shall annually examine all main outlets of sewers and drainage of cities and towns of the Commonwealth, and the effect of sewage disposal, and shall annually report thereon to the general court, with such recommendations for the protection of the interests of persons and property and for the prevention of offensive odors and objectionable conditions as it considers expedient.

SEC. 8 (as amended by ch. 670, acts of 1913). *Duties relative to contagious or infectious diseases.*—If smallpox or any other contagious or infectious disease

declared by the state board of health to be dangerous to the public health exists or is likely to exist in any place within the commonwealth, the state board shall make an investigation thereof and of the means of preventing the spread of the disease, and shall consult thereon with the local authorities. It shall have co-ordinate powers as a board of health, in every city and town, with the board of health thereof, or with the mayor and aldermen of a city or the selectmen of a town in which there is no such board. It may require the officers in charge of any city or state institution, charitable institution, public or private hospital, dispensary or lying-in hospital, or any local boards of health or the physicians in any city or town to give notice of cases of any disease declared by the state board of health to be dangerous to the public health. Such notice shall be given either in the manner prescribed in sections forty-nine, fifty and fifty-two of chapter seventy-five of the Revised Laws, as amended by chapter four hundred and eighty of the acts of the year nineteen hundred and seven, or in such other manner as the state board of health may deem advisable. If any such officer, board or physician refuses or neglects to give such notice, he or they shall forfeit not less than fifty nor more than two hundred dollars for each offence.

[Acts of 1907, ch. 537, as amended by ch. 523, acts of 1910.]

Sec. 3. *Duties, inspectors.*—Every State inspector of health shall inform himself respecting the sanitary condition of his district and concerning all influences dangerous to the public health or threatening to affect the same; he shall gather all information possible concerning the prevalence of tuberculosis and other diseases dangerous to the public health within his district, shall disseminate knowledge as to the best methods of preventing the spread of such diseases, and shall take such steps as, after consultation with the State board of health and the local State authorities, shall be deemed advisable for their eradication; he shall inform himself concerning the health of all minors employed in factories within his district, and, whenever he may deem it advisable or necessary, he shall call the ill health or physical unfitness of any minor to the attention of his or her parents or employers and of the State board of health.

Sec. 4. *Supervision, State board.*—The State inspectors of health shall be under the general supervision of the State board of health and shall perform such duties other than those hereby imposed upon them as the said board from time to time shall determine. They shall keep a record of their proceedings and observations, shall annually make a report of the same to said board on or before the 31st day of October, shall from time to time furnish said board with such information as it may require touching circumstances affecting the public health in their respective districts, and shall in every instance where written suggestions are made by them to the local authorities send copies of such suggestions to said board.

Sec. 8. *Experts.*—For the purpose of carrying out the provisions of this act, the State board of health may employ from time to time experts in sanitation.

[Acts of 1912, ch. 43.]

Section 1. *Appropriation.*—The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for salaries and expenses of the State board of health, for the fiscal year ending on the 30th day of November, 1912, to wit:

* * * * * * *

For the general work of the board, including traveling expenses, a sum not exceeding $26,500.

* * * * * * *

For expenses in the production and distribution of antitoxin and vaccine lymph, a sum not exceeding $20,000.

* * * * * * *

For salaries and expenses of the inspectors of health, a sum not exceeding $38,800.

* * * * * * *

For expenses in connection with carrying out the provisions of the act relative to the prevention of ophthalmia neonatorium, a sum not exceeding $1,000.

* * * * * * *

[Acts of 1911, ch. 709.]

The State board of health, for the purpose of gathering all information possible concerning the prevalence of tuberculosis and other diseases dangerous to the public health and of carrying out the provisions of chapter 537 of the acts of the year 1907, and of acts in amendment thereof, may expend out of treasury of the Commonwealth annually for salaries and other expenses, in addition to the sum now authorized, a sum not exceeding $6,000.

[Acts of 1913, ch. 210.]

Reporting of disease.—The board of health in cities, and in towns, the board of health, or, when no such board is chosen, the selectmen acting as a board of health, shall send to the state board of health every week a report of the deaths in their city or town, for the week ending Saturday noon, from all diseases declared by the state board of health to be dangerous to the public health, upon forms to be prescribed by said state board.

[Acts of 1912, ch. 117.]

Extermination of mosquitoes.—Resolved, That the state board of health is hereby authorized and directed to advise local boards of health throughout the commonwealth as to the best methods of exterminating mosquitoes and to give practical demonstrations of such methods wherever the said board deems it advisable; and for this purpose there shall be allowed and paid from the treasury of the commonwealth to the state board of health a sum not exceeding one thousand dollars.

[Acts of 1913, ch. 328.]

Section 1. *County laboratories.*—For the better preservation of the public health and for the purpose of securing greater accuracy in the diagnosis of communicable diseases, county commissioners are hereby authorized to establish and maintain bacteriological laboratories, or to provide such laboratory facilities for their respective counties, from time to time, as may be deemed advantageous by them, and for this purpose may expend such sums as may be necessary from the treasury of the county.

[Revised Laws, ch. 75.]

Sec. 35 (as amended by ch. 151, acts of 1912).—Each city shall and each town may, and upon the request of the State board of health, shall, establish and constantly maintain within its limits one or more hospitals for the reception of persons having smallpox, diphtheria, scarlet fever, tuberculosis, or

other diseases dangerous to the public health as defined by the State board of health, unless there already exists in the city or town a hospital for the reception of persons ill with such diseases, which is satisfactory to the State board of health, or unless some arrangement which is satisfactory to the State board of health is made between neighboring cities or neighboring towns, or neighboring cities and towns, for the care of persons having such diseases. All such hospitals established and maintained by cities or towns shall be subject to the orders and regulations of the boards of health of the cities or towns in which they are respectively situated. Plans for the construction of the said hospitals shall be approved by the State board of health before the hospitals are constructed, and the State inspectors of health shall annually make such examination of said hospitals as in the opinion of the State board of health may be necessary. A city or town which upon the request of the State board of health refuses or neglects to establish and maintain such a hospital shall forfeit not more than five hundred dollars for each refusal or neglect: *Provided, however*, That if, in the opinion of the boards of health of two or more adjoining cities or towns or a city and an adjoining town or towns, such hospitals can advantageously be established and maintained in common, the authorities of the said cities or towns may, subject to the approval of the State board of health, enter into such agreements as shall be deemed necessary for the establishment and maintenance of the same.

SECTION 36 (as amended by chapters 445 and 480, acts of 1907). *Accommodations for persons with dangerous diseases. Wage-earners.*—If a disease which is dangerous to the public health breaks out in a town, or if a person is infected or lately has been infected with any such disease, the board of health shall immediately provide such hospital or place of reception, and such nurses and other assistance and necessaries, as is judged best for his accommodation and for the safety of the inhabitants, and the same shall be subject to the regultions of the board. The board may cause any sick or infected person to be removed to such hospital or place, if it can be done without danger to his health; otherwise the house or place in which he remains shall be considered as a hospital, and all persons residing in or in any way connected therewith shall be subject to the regulations of the said board, and, if necessary, persons in the neighborhood may be removed. When the board of health of a city or town shall deem it necessary in the interest of the public health to require a resident wage-earner to remain within such house or place, or otherwise to interfere with the following of his employment, he shall receive from such city or town during the period of his restraint compensation to the extent of three fourths of his regular wages: *provided, however*, that the amount so received shall not exceed two dollars for each working day.

SECTION 37. *Cities shall maintain isolation hospitals.*—Each city shall establish and constantly be provided, within its limits, with one or more isolation hospitals for the reception of persons having smallpox or any other disease dangerous to the public health. Such hospitals shall be subject to the orders and regulations of the boards of health of the cities in which they are respectively situated. A city which, upon request of the state board of health, refuses or neglects to comply with the provisions of this section, shall forfeit not more than five hundred dollars for each refusal or neglect: *provided, however*, that if, in the opinion of the boards of health of two or more adjoining cities or towns, such hospitals can advantageously be established and maintained in common, the authorities of the said cities or towns may enter into such agreements as may be necessary for the establishment and maintenance of the same.

SECTION 38 (as amended by ch. 365, acts of 1906). *Physicians, nurses, etc., in isolation hospitals.*—The physician, nurses, attendants, patients and all persons approaching or coming within the limits of such hospitals, and all furniture and other articles used or brought there, shall be subject to the regulations of the local board of health.

SECTION 39 (as amended by ch. 365, acts of 1906). *Hospitals not to be near dwellings.*—Such hospitals shall not be established within one hundred rods of an inhabited dwelling house situated in an adjoining city or town, without the consent of such city or town.

SEC. 40 (as amended by ch. 365, acts of 1906). *Penalty for unlawful use of buildings as hospitals.*—Whoever occupies or uses a building for a hospital in a part of a city or town prohibited by the mayor and aldermen or selectmen shall forfeit not more than fifty dollars for every month during which such offense continues, and in like proportion for a portion of the month. The supreme judicial court or the superior court shall have jurisdiction in equity to restrain such occupancy or use.

SEC. 41 (as amended by ch. 365, acts of 1906). *Treatment for venereal diseases required.*—Each city shall provide for the treatment, either in a hospital or as out patients, of indigent persons who are suffering from contagious or infectious venereal diseases.

SEC. 42. *Discrimination against venereal diseases forbidden.*—No discrimination shall be made against the treatment of venereal diseases in the out patient department of any general hospital supported by taxation in any city in which special hospitals, other than hospitals connected with penal institutions, are not provided for the treatment of such diseases at public expense; but said hospitals may establish a separate ward for their treatment.

SEC. 43. *Notice of infected places.*—If such disease exists in a town, the selectmen and board of health shall use all possible care to prevent the spread of the infection, and shall give public notice of infected places to travellers by displaying red flags at proper distances and by all other means which in their judgment may be most effectual for the common safety. Whoever obstructs the selectment, board of health or its agent in using such means, or wilfully removes, obliterates, defaces or handles such red flags or other signals shall forfeit not less than ten nor more than one hundred dollars for each offense.

SEC. 44. *Penalty for violation of regulations.*—If a physician or other person who is in any of said hospitals or places of reception, or who attends, approaches or is concerned with them, violates a regulation relative thereto, with respect to himself or to his or another person's property, he shall forfeit not less than ten nor more than one hundred dollars for each offense.

SEC. 45. *Towns near State border may appoint guards.*—The board of health of a town near to or bordering upon an adjoining State may in writing appoint suitable persons, who shall attend at places by which travellers may pass from infected places without the Commonwealth, and who may examine such travellers as the board suspects of bringing any infection dangerous to the public health, and, if necessary, restrain them from travelling until licensed thereto by the board of health of the town to which they may come. A traveller coming from an infected place, who, without such license, travels within this Commonwealth, unless to return by the most direct way to the State whence he came after he has been cautioned to depart by the persons so appointed, shall forfeit not more than one hundred dollars.

SEC. 46 (as amended by ch. 365, 1906). *Warrant may issue for removal of infected persons.*—A magistrate authorized to issue warrants in criminal cases may issue a warrant directed to the sheriff of the county or his deputy, or to

any constable or police officer, requiring him, under the direction of the board of health, to remove any person who is infected with contagious disease, or to impress and take up convenient houses, lodging, nurses, attendants and other necessaries. The removal authorized by this section may be made to any hospital in an adjoining city or town established for the reception of persons having smallpox or other disease dangerous to the public health, provided the assent of the board of health of the city or town to which such removal is to be made shall first have been obtained.

SEC. 47. *Prisoners may be removed from jail to hospital.*—If a prisoner in a jail, house of correction or workhouse has a disease which, in the opinion of the physician of the board or of such other physician as it may consult, is dangerous to the safety and health of other prisoners or of the inhabitants of the town, the board shall, in writing, direct his removal to a hospital or other place of safety, there to be provided for and securely kept until its further order. If he recovers from the disease, he shall be returned to his former place of confinement. If the person so removed has been committed by order of court or under judicial process, the order for his removal, or a copy thereof attested by the presiding member of the board, shall be returned by him, with the doings thereon, into the office of the clerk of the court from which the process of commitment was issued. No prisoner so removed shall thereby commit an escape.

SEC. 48. *Prisoners with syphilis shall be isolated.*—An inmate of a public charitable institution or a prisoner in a penal institution who is afflicted with syphilis shall be forthwith placed under medical treatment, and, if, in the opinion of the attending physician, it is necessary, he shall be isolated until danger of contagion has passed or the physician determines that his isolation is unnecessary. If, at the expiration of his sentence, he is afflicted with syphilis in its contagious or infectious symptoms, or if, in the opinion of the attending physician of the institution or of such physician as the authorties thereof may consult, his discharge would be dangerous to public health, he shall be placed under medical treatemnt and cared for as above provided in the institution where he has been confined until, in the opinion of the attending physician, such symptoms have disappeared and his discharge will not endanger the public health. The expense of his support, not exceeding three dollars and fifty cents a week, shall be paid by the place in which he has a settlement, after notice of the expiration of his sentence and of his condition to the overseers of the poor thereof, or, if he is a State pauper, to the State board of charity.

SEC. 49 (as amended by ch. 269, acts of 1910). *Householders shall notify local board of health of the existence of cases of dangerous diseases, and shall disinfect rooms, etc.*—A householder who knows that a person in his family or house is sick with smallpox, diphtheria, scarlet fever or any other infectious or contagious disease declared by the State board of health to be dangerous to the public health [1] shall forthwith give notice thereof to the board of health of the city or town in which he dwells. Upon the death, recovery or removal of such person, the householder shall disinfect to the satisfaction of the board such rooms of his house and articles therein as, in the opinion of the board, have been exposed to infection or contagion. Should one or both eyes of an infant become inflamed, swollen and red, and show unnatural discharge at any time within two weeks after its birth, it shall be the duty of the nurse, relative or other attendant having charge of such infant to report in writing within six hours hereafter, to the board of health of the city or town in which the parents of the infant reside, the fact that such inflammation, swelling and redness of the eyes and unnatural discharge exist. On receipt of such report, or

of notice of the same symptoms given by a physician as provided by the following section, the board of health shall take such immediate action as it may deem necessary in order that blindness may be prevented. Whoever violates the provisions of this section shall be punished by a fine of not more than one hundred dollars. But the board of health of a city or town may in its discretion, disinfect or fumigate all such premises as in the opinion of the board have been exposed to any infectious or contagious disease, at the expense of the city or town, and may employ any proper and competent person or corporation for the purpose of such disinfecting or fumigating.

SEC. 50. *Physicians shall give immediate notice of cases of dangerous diseases to local authorities.*—If a physician knows that a person whom he is called to visit is infected with smallpox, diphtheria, scarlet fever or any other disease declared by the State board of health to be dangerous to the public health,[1] or if one both eyes of an infant whom or whose mother he is called to visit become inflamed, swollen and red, and show an unnatural discharge within two weeks after the birth of such infant, he shall immediately give notice thereof in writing over his own signature to the selectmen or board of health of the town; and if he refuses or neglects to give such notice, he shall forfeit not less than fifty nor more than two hundred dollars for each offence.

SEC. 51. *Local boards of health shall record all reported cases, and shall give immediate notice to school authorities.*—The board of health shall keep a record, in blank books to be provided by the secretary of the Commonwealth, of all reports received pursuant to the two preceding sections, which shall contain the name and location of all persons who are sick, their disease, the name of the person who reports the case and the date of such report. Said board shall give immediate information to the school committee of all contagious diseases so reported to them.

SEC. 52. *Local boards of health shall notify the State board of health within twenty-four hours of receiving notice of cases of dangerous diseases.*—If the board of health of a city or town has had notice of a case of smallpox, diphtheria, scarlet fever or of any other disease declared by the state board of health to be dangerous to the public health therein, it shall within twenty-four hours thereafter give notice thereof to the state board of health stating the name and the location of the patient so afflicted, and the secretary thereof shall forthwith transmit a copy of such notice to the state board of charity.

SEC. 53. *Forfeiture of claims if local boards of health fail to notify State board of health.*—If such board refuses or neglects to give such notice, the city or town shall forfeit its claim upon the Commonwealth for the payment of expenses as provided in section one of chapter two hundred and thirteen of the acts of the year nineteen hundred and two.

SEC. 56 (as amended by Ch. 365, 1906). *Provisions concerning removals apply only to boarding houses, hotels and certain others.*—The provisions of sections thirty-six and forty-six, so far as they confer authority for the removal of patients from their homes, shall apply only in the case of persons residing in boarding houses or hotels, or in the case of two or more families occupying the same dwelling, or in other cases in which, in the opinion of the board, the case cannot properly be isolated.

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[1] Diseases declared by the State Board of Health to be dangerous to the public health and hence notifiable under the provisions of the above sections:—

Actinomycosis.	Leprosy.	Tetanus.	Varicella.
Arteriopoliomyelitis.	Malignant pustule.	Trachoma.	Whooping-cough.
Asiatic cholera.	Measles.	Trichinosis.	Yellow fever.
Cerebrospinal meningitis.	Ophthalmia neonatorum.	Tuberculosis.	
Diphtheria.	Scarlet fever.	Typhoid fever.	
Glanders.	Smallpox.	Typhus fever.	

SEC. 58. *Towns shall pay compensation for houses, etc., impressed.*—If a sheriff or other officer impresses or takes up any houses, stores, lodging or other necessaries, or impresses men, the town in which such persons or property are so impressed shall pay a just compensation to the persons entitled thereto.

SEC. 86. *Permits may be granted to remove nuisances, infected articles and sick persons.*—The board of health of a town may grant permits for the removal of any nuisance, infected articles or sick persons within the limits of its town.

SEC. 87. *Infected articles may be seized and houses placed under guard.*—If, upon the application of the board, it appears to a magistrate authorized to issue warrants that there is just cause to suspect that baggage, clothing, or goods, found within the town, are infected with any disease dangerous to the public health, he shall, by warrant directed to the sheriff or his deputy or to any constable, require him to impress as many men as said magistrate may judge necessary to secure such baggage, clothing or goods, and to post said men as a guard over the house or place containing such articles to prevent persons from removing or coming near the same until due inquiry is made into the circumstances.

SEC. 88. *Houses or stores may be impressed as storage places.*—The magistrate may, by the same warrant, require the officers, under the direction of the board, to impress and take up convenient houses or stores for the safe keeping of such articles; and the board may cause them to be removed thereto or otherwise detained until, in the opinion of the board, they are freed from infection.

SEC. 89. *Officers may break open houses containing infected articles and may command aid.*—The officers, in the execution of the warrant, may command aid and may break open any house, shop or other place mentioned in the warrant where such articles are found. Whoever, being commanded by said officers to assist in the execution of the warrant, neglects or refuses so to do, shall forfeit not more than ten dollars.

SEC. 90. *Expenses, how paid. Owners of destroyed furniture and wearing apparel may be reimbursed.*—The expense of securing, transporting and purifying such articles, as fixed by the board, shall be paid by the owners or by the city or town, as the board may determine. For any article of furniture or wearing apparel ordered to be destroyed by an order of the board of health, the city or town may recompense the owner to an amount not exceeding fifty dollars.

SEC. 54. *Expenses incurred in removal of nuisances, etc., how recovered.*—Expenses incurred by a town in the removal of nuisances or for the preservation of the public health, which are recoverable of a private person or corporation, may be recovered in an action of contract.

SEC. 55. *Disposition of forfeitures.*—Fines and forfeitures which are incurred under the general laws, the special laws applicable to a town, or the by-laws and regulations of a town, relative to health, shall inure to the use of such town.

SEC. 131. *Town may establish a quarantine ground.*—A town may establish a quarantine ground in a suitable place within its own limits; or, with the previous consent of another town, within the limits thereof. Two or more towns may in like manner join in establishing such quarantine ground for their common use.

SEC. 132. *Quarantine of vessels.*—The board of health in a seaport town may from time to time establish the quarantine to be performed by vessels arriving within its harbor, and may make quarantine regulations for the health and safety of the inhabitants, which shall apply to all persons, goods and effects arriving in such vessels and to all persons who, for any purpose, may visit the

same. Whoever violates any such regulation shall forfeit not less than five nor more than five hundred dollars.

SEC. 133. *Quarantine of suspected vessels.*—Such board may at any time cause a vessel arriving in port, if such vessel or its cargo is, in its opinion, foul or infected so as to endanger the public health, to be removed to the quarantine ground and thoroughly purified at the expense of the owners, consignees or persons in possession of the same; and may cause all persons arriving in or for any purpose visiting such vessel, or handling the cargo, to be removed to any hopital under the care of the board, there to remain under its orders.

SEC. 134. *Penalty for refusal to answer on oath.*—Any person belonging to or arriving in a vessel on board of which any infection then is or has lately been, or is suspected to have been, or which has been at or has come from a port where an infectious distemper prevails which may endanger the public health, who refuses to make answer on oath, to be administered by any member of the board, to questions relating to such infection or distemper asked by the board of health of the town to which such vessel may come shall forfeit not more than two hundred dollars.

SEC. 135. *Quarantine expenses, how paid.*—All expenses incurred on account of any person, vessel or goods which are under quarantine regulations shall be paid by the owner of such vessel.

SEC. 140. *The provisions of the entire chapter* (75) *apply to cities.*—The provisions of this chapter shall apply to cities so far as consistent with their several charters.

[Revised Laws, 1903, ch. 51.]

SEC. 11. *Fences, etc., to prevent spread of disease, not to be removed.*—No surveyor, road commissioner or other person shall, without an order from the board of health, remove or take down fences, gates or bars which have been placed on a way for the purpose of preventing the spread of a disease dangerous to the public health.

[Revised Laws, 1903, ch. 25.]

SEC. 14 (as amended by ch. 544, acts of 1902). *Towns may make contracts for hospital treatment.*—A town may make contracts:—For the reception, care and treatment, by hospitals established in a town, or in the vicinity thereof, which maintains and manages no hospital, of persons who by misfortune or poverty require relief during temporary illness; but this provision shall not add to the compensation now required from the Commonwealth or from any city or town for the care and treatment of any person chargeable to them respectively as a pauper, or diminish the right of the Commonwealth to require the removal to the state hospital of a pauper dependent upon it.

[Acts of 1902, ch. 206.]

SECTION 1 (as amended by ch. 365, 1906). *Cities and towns may receive sick persons from adjoining towns.*—The board of health of any city or town which has established or which may hereafter establish within its limits a hospital for the reception of persons having smallpox or any other disease dangerous to the public health, may receive for care and treatment in such hospital persons from an adjoining town who are infected with any of said diseases.

[Acts of 1902, ch. 213.]

SEC. 1 (as amended by ch. 386, acts of 1907). *Concerning reimbursement of the commonwealth, cities and towns for expense of caring for persons ill with diseases dangerous to the public health.*—Reasonable expenses incurred by the

board of health of a city or town or by the Commonwealth in making the provision required by law for persons infected with smallpox or other disease dangerous to the public health shall be paid by such person or his parents if he or they be able to pay, otherwise by the city or town in which he has a legal settlement, upon the approval of the bill by the board of health of such city or town or by the State board of charity; and such settlements shall be determined by the overseers of the poor, and by the State board of charity in cases cared for by the Commonwealth. If the person has no settlement, such expense shall be paid by the Commonwealth, upon the approval of bills therefor by the State board of charity. In all cases of persons having settlements, a written notice sent within the time required in the case of aid given to paupers, shall be sent by the board of health, or by the officer or board having the powers of a board of health in the city or town where the person is sick, to the board of health, or to the officer or board having the powers of a board of health in the city or town in which such person has a settlement, who shall forthwith transmit a copy thereof to the overseers of the poor of the place of settlement. In case the person has no settlement, such notice shall be given to the State board of health, in accordance with the provisions of section fifty-two of chapter seventy-five of the Revised Laws.

SEC. 2. *Persons treated at public expense for diseases dangerous to the public health shall not therefor be deemed to be paupers.*—No person for whose care and maintenance a city or town or the Commonwealth has incurred expense in consequence of smallpox, scarlet fever, diphtheria, tuberculosis, dog bite requiring anti-rabic treatment, or other disease dangerous to the public health shall be deemed to be a pauper by reason of such expenditure.

[Acts of 1907, ch. 183.]

SEC. 1. *The State board of health to define "dangerous," as used in acts of 1902, 213.*—The State board of health is hereby authorized and directed to define what diseases shall be deemed to be "dangerous to the public health," as the term is used in chapter two hundred and thirteen of the acts of the year nineteen hundred and two.[1]

[Revised Laws, ch. 85.]

SEC. 14. *Certain sick persons shall not be sent to the State hospital.*—No city or town officer shall send to the State hospital any person who is infected with smallpox or other disease dangerous to the public health, or, except as provided in section ten (chap. 85, Rev. Laws), any other sick person whose health would be endangered by removal; but all such persons who are liable to be maintained by the Commonwealth shall be supported during their sickness by the city or town in which they are taken sick, and notice of such sickness shall be given in writing to the State board of charity, which may examine the case and, if found expedient, order the removal of the patient; but such notice in the case of sick persons whose health would be endangered by such removal shall be signed by the overseers of the poor or by a person appointed by them by special vote, who shall certify, after personal examination, that in their or his opinion such removal at the time of his application for aid would endanger his health. A city or town officer who knowingly violates the provisions of

[1] The following have been defined as dangerous, within the meaning of chapter 213 of the Acts of 1902:—

Actinomycosis,	Glanders.	Scarlet fever.	Typhus fever.
Anterior poliomyelitis.	Leprosy.	Smallpox.	Whooping cough.
Asiatic cholera.	Malignant pustule.	Trachoma.	Yellow fever.
Cerebrospinal meningitis.	Measles.	Tuberculosis.	
Diphtheria.	Ophthalmia neonatorum.	Typhoid fever.	

this section shall be punished by a fine of not less than fifty nor more than one hundred dollars.

[Chapter 44, Revised Laws, 1902.]

SEC. 6 (as amended by ch. 215, acts of 1907). *Vaccination of school children. Exclusion of pupils in household having a contagious disease.*—A child who has not been vaccinated shall not be admitted to a public school except upon presentation of a certificate, granted for cause stated therein, signed by a regular practising physician, that he is not a fit subject for vaccination. A child who is a member of a household in which a person is ill with smallpox, diphtheria, scarlet fever, measles, or any other infectious or contagious disease, or a household exposed to such contagion from another household as aforesaid, shall not attend any public school during such illness until the teacher of the school has been furnished with a certificate from the board of health of the city or town, or from the attending physician of such person, stating that danger of conveying such disease by such child has passed.

[Chapter 395, acts of 1904, as amended by chapter 391, acts of 1909.]

SEC. 1. *Removal, patients.*—The State board of charity may, if found expedient, remove any person who is infected with a disease dangerous to the public health, and who is maintained or liable to be maintained by the commonwealth, to any hospital provided for State paupers, or may provide such place of reception for such person as is judged best for his accommodation and the safety of the public, which place shall be subject to the regulations of the board, and shall have the same authority to remove such persons thereto as is conferred upon boards of health by the provisions of section thirty-six of chapter seventy-five of the Revised Laws, as amended by chapter three hundred and sixty-five of the acts of the year nineteen hundred and six.

SEC. 2. *Expenses.*—Any expenses incurred in carrying out the provisions of this act shall be paid from the annual appropriation for expenses in connection with smallpox and other diseases dangerous to the public health.

[Acts of 1905, ch. 474.]

SEC. 1. *Hospital provided for lepers.*—The State board of charity, subject to the approval of the governor, shall be authorized to take in the name and for the use of the Commonwealth land in fee by purchase or eminent domain, and to erect and maintain thereon a hospital for the custody, care and treatment of persons afflicted with leprosy, and for said purpose may expend a sum not exceeding fifty thousand dollars.

[Acts of 1909, ch. 250.]

SEC. 1. *Lepers confined in State institutions to be State charges.*—A person who, being afflicted with leprosy, is confined in any State institution for the care of lepers, shall be a State charge, and no sum shall be collected on his account from the city or town in which he has a settlement.

[Acts of 1913, ch. 813.]

SEC. 6. *Occupational diseases.*—The joint board (the State board of labor and industries and the industrial accident board, sitting jointly) may require every physician treating a patient whom he believes to be suffering from any ailment or disease contracted as a result of the nature, circumstances or conditions

of the patient's employment to report such information relating thereto as it may require, within such time as it may fix, to the State board of labor and industries, and it may issue a list of such diseases which shall be regularly reported upon by physicians and may add to or change such list at any time. Copies of all such reports and all statistics and data compiled therefrom shall be kept by the State board of labor and industries and shall be furnished on request to the industrial accident board and the State board of health.

SEC. 13. Whoever violates any reasonable rule, regulation, order, or requirement made by the joint board under authority hereof, shall be punished by a fine of not more than $100 for each offense.

MICHIGAN.

[Compiled Laws, 1897.]

SEC. 4398. *Duties, State board of health.*—The State board of health shall have the general supervision of the interests of the health and life of the citizens of this State. They shall especially study the vital statistics of this State and endeavor to make intelligent and profitable use of the collected records of deaths and of sickness among the people; they shall make sanitary investigations and inquiries respecting the causes of disease, and especially of epidemics; the causes of mortality, and the effects of localities, employments, conditions, ingesta, habits, and circumstances on the health of the people. They shall, when required, or when they deem it best, advise officers of the Government, or other State boards, in regard to the location, drainage, water supply, disposal of excreta, heating, and ventilation of any public institution or building. They shall from time to time recommend standard works on the subject of hygiene for the use of the schools of the State.

SEC. 4401 (as amended by act 18, 1905). *Secretary, State board of health.*—Said secretary * * * shall, so far as practicable, communicate with other State boards of health and with the local boards of health within this State; * * *. He shall collect information concerning vital statistics, knowledge respecting diseases, and all useful information on the subject of hygiene, and through an annual report, and otherwise, as the board may direct, shall disseminate such information among the people: *Provided*, That all printing and binding under the provisions of this act shall be ordered through the board of State auditors as other State printing is ordered and paid, except that the payment therefor shall be out of the appropriation provided for in section 7 of this act (4403).

SEC. 4403 (as amended by act 255, 1913). *Appropriation.*—The sum of $15,000 per annum, or so much thereof as may be deemed necessary by the State board of health, is hereby appropriated to pay the salary of the secretary, meet the contingent expenses of his office, and the expenses of the board, to pay for necessary instruments, to pay for special investigations, and the collection of statistics of sickness, to pay for the compiling, publishing, and distribution of such circulars and pamphlets as will promote the best interests of the public health, to pay the expense of conferences of health officers and of sanitary conventions and exhibitions to be held in cities and towns of the State, and to meet such other expenses as may be incurred by the board in the prosecution of its work which may not be otherwise provided for, and to comply with the provisions of section 4796 of the Compiled Laws of 1897, and to generally promote the public health. * * * And not to exceed $12,000 shall be expended by said board of health in any one year for the employment of additional clerks in the office of said board, * * *.

SEC. 4405. *Public health information.*—In order to afford to this board better advantages for obtaining knowledge important to be incorporated with that collected through special investigations and from other sources, it shall be the duty of all officers of the State, the physicians of all mining or other incorporated companies, and the president or agent of any company chartered, organized, or transacting business under the laws of this State, so far as practicable, to furnish to the State board of health any information bearing upon public health which may be requested by said board for the purpose of enabling it better to perform its duties of collecting and distributing useful knowledge on this subject.

[Act 293, 1909.]

SECTION 1. *State inspector of health.*—The State board of health is hereby authorized and empowered, whenever it becomes necessary to promote the work of the State board of health, to appoint any one of its members a State medical inspector, to the end that the rules and regulations adopted by said board for the preservation of public health may be strictly enforced in the various parts of the State. Any member of the board selected or appointed as a medical inspector, or any other person the board may so designate to act as a medical inspector, shall have the same right of inspection and the same authority in regard to all matters affecting the public health as has been or may be conferred upon the State or local boards of health. The said State board of health is hereby expressly authorized to designate what diseases are dangerous communicable diseases and what diseases are contagious diseases, and it shall be the duty of every local board of health and health officer to observe such rules in relation to dangerous communicable diseases and contagious diseases as may be prescribed by the said State board of health.

SEC. 2. *Duties.*—Every person selected to act as medical inspector shall act under the direction of the State board of health and shall make a thorough and complete investigation of all nuisances, sources of sickness, epidemics of infectious or dangerous communicable diseases or contagious diseases, water supplies, the sewerage-disposal system, the sanitary condition of public vaults, jails, school houses and school grounds, and such other work as is found necessary to improve the general sanitary and hygienic condition of the State.

SEC. 3. *Reports.*—It shall be the duty of any person acting as such medical inspector after the completion of any investigation to immediately report in writing to the State board of health, upon such forms and in such manner as may be prescribed, a complete account of the essential facts disclosed by the investigation, together with the recommendations made and the work done to better safeguard the public health.

[Act 1909, 1907.]

SEC. 3 [as amended by act 122, 1909]. *Examinations.*—The various boards of health, health officers, and all State institutions may require a bacteriological examination or analysis of blood, sputum, urine, water, milk, or other substances in localities where there is an outbreak of any contagious disease or epidemic in which bacteriological examination or analysis may be necessary to the public health and welfare, or for the purpose of locating sources of infection, or contamination of water, milk, ice, etc., as the case may be. The said State board of health shall also be required to make an examination and analysis of the water used by the public, and of public water supplies, when contamination is suspected, whenever the examination or analysis is required by the mayor of any city, the president of any village, or the supervisor of any town-

ship. Such boards or officers shall forward or deliver to the secretary of the State board of health a sample of the substance required to be analyzed, in a sealed package or jar, accompanied by a statement from such board or officer, indicating the necessity for the analysis. The examination or analysis for the boards or officers above named shall be made free of charge. * * *

[Compiled Laws.]

SEC. 4412. *Regulations and by-laws.*—The board of health shall make such regulations and by-laws respecting * * * causes of sickness within their respective townships and on board of any vessels in their ports or harbors as they shall judge necessary for the public health and safety, and if any person shall violate any such regulations or by-laws he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding the sum of $100, or by imprisonment in the county jail not exceeding 90 days, or by both such fine and imprisonment, in the discretion of the court.

SEC. 4413. The said board shall also make such regulations as they may deem necessary for the public health and safety respecting any articles which are capable of containing or conveying any infection or contagion, or of creating any sickness, when such articles shall be brought into or conveyed from their township or into or from any vessel; and if any person shall violate any such regulation he shall forfeit a sum not exceeding $100.

SEC. 4416. *Notice of regulations.*—Notice shall be given by the board of health of all regulations made by them by publishing the same in some newspaper of the township, if there be one published therein, and if not, then by posting them up in five public places in such township; and such notice of said regulations shall be deemed legal notice to all persons.

SEC. 4460. *Powers and duties of health officers.*—Whenever the health officer of any township, city, or village in this State shall receive reliable notice or shall otherwise have good reason to believe that there is within the township, city, or village of which he is the health officer, a case of smallpox, diphtheria, scarlet fever, or other communicable disease dangerous to the public health, it shall be the duty of said health officer, unless he is or shall have been instructed by the board of health, of which he is an executive officer, to do otherwise, immediately to investigate the subject, and in behalf of the board of health, of which he is an executive officer, to order the prompt and thorough isolation of those sick or infected with such disease, so long as there is danger of their communicating the disease to other persons; to order the prompt vaccination or isolation of persons who have been exposed to smallpox; to see that no person suffers for lack of nurses or other necessaries because of isolation for the public good; to give public notice of infected places by placard on the premises, and otherwise if necessary; to promptly notify teachers or superintendents of schools concerning families in which are contagious diseases; to supervise funerals of persons dead from scarlet fever, diphtheria, smallpox, or other communicable disease which endangers the public health; to disinfect rooms, clothing. and premises, and all articles likely to be infected, before allowing their use by persons other than those in isolation; to keep the president of his own board of health and the secretary of the State board of health constantly informed respecting every outbreak of a disease dangerous to the public health, and of the facts, so far as the same shall come to his knowledge, respecting sources of danger of any such diseased person or infected article being brought into or taken out of the township, city, or village of which he is the health officer.

SEC. 4461. *Regulations.*—In the absence of regulations conflicting therewith, made and published by the local board of health, and still remaining in force,

the provisions of section one of this act (sec. 4460) shall have the force of regulations made and published by the local board of health; and whoever shall knowingly violate the provisions of section one of this act, or the orders of the health officer made in accordance therewith, shall be deemed guilty of a misdemeanor, and upon conviction thereof he shall be punished by a fine not exceeding $100 and the costs of prosecution, or in default of payment thereof, by imprisonment not exceeding 90 days in the county jail, in the discretion of the court.

SEC. 4462. *Compensation.*—In the fulfillment of the requirements of this act the health officer, unless other provision shall have been made in accordance with law, shall be entitled to receive from the township, city, or village of which he is health officer, compensation at the rate of not less than $2 per day: *Provided*, That this section shall not be construed to conflict with any action by the local board of health, under section 1693 of the Compiled Laws of 1871, as amended by act No. 202 of the laws of 1881. (Sec. 4411.)

SEC. 4464. *Prosecutions.*—It shall be the duty of the health officer of each village and city in this State, whenever he shall know, or have good reason to believe, that any penalty or forfeiture has been incurred within his city or village, by reason of neglect to comply with section 1734 or section 1735 of the Compiled Laws of 1871 (secs. 4452, 4453), forthwith to give notice thereof, in writing, to the prosecuting attorney of his county, which notice shall state, as near as may be, the time of such neglect, the name of the person incurring the penalty or forfeiture, and, as near as can be ascertained, the name or names of persons sick with a disease dangerous to the public health and not reported as the law requires.

SEC. 2815. *Powers, municipalities.*—The council of any village may enact all such ordinances as may be deemed necessary for the preservation and protection of the health of the inhabitants thereof, and to prevent the introduction of malignant, infectious, or contagious diseases within the village or within 1 mile thereof; and for the removal of persons having such diseases, or who, from exposure thereto, or otherwise, may be suspected or believed to be liable to communicate the same, either beyond the corporate limits or to such hospital or place of treatment within the village as the council may prescribe and the public safety may require.

SEC. 2820. The council may provide for the appointment of the necessary officers and employees for the management of the village hospital and for the care and treatment therein of such sick and diseased persons as to the council or board of health of the village shall seem proper; and by direction of the council or board, persons having any malignant, infectious, or contagious disease may be removed to such hospital and there detained and treated when the public safety may so require; and the council may provide such restraints and punishments as may be necessary to prevent any such person from departing from such hospital until duly discharged.

SEC. 2821. The council shall have and exercise all the powers and authority conferred upon boards of health by the general laws of the State, so far as the same are applicable; and they may enact such ordinances as may be necessary for regulating the proceedings and mode of exercising such powers.

SEC. 4477 (as amended by act 49, 1911). *Interstate quarantine.*—Whenever it shall be shown to the satisfaction of the state board of health that cholera, diptheria, or other dangerous communicable disease exists in any foreign country, neighboring state, or locality within this State whereby the public health is imperiled, and it shall be further shown that immigrants, passengers or other persons seeking to enter this State or to travel from place to place within this

State, are coming from any locality where such dangerous communicable disease exists, the state board of health shall be authorized to establish a system of quarantine for the State of Michigan, and the Governor shall have authority to order the state militia to any section of the state on request of the state board of health to enforce such quarantine.

SEC. 4478. Such quarantine shall be for the purpose of preventing all immigrants, passengers or other persons, under the circumstances mentioned in section one of this Act, from entering the State or from going from place to place within the State, who, in the opinion of the state board of health, or in the opinion of an inspector duly appointed by said board, are likely to carry infection of cholera, small-pox, diptheria or other dangerous communicable disease, and for the detention of all such persons outside the borders of the State, or if already within the State, at the places where they may be or at the place they have been exposed to or have contracted such dangerous communicable disease, or at such suitable place as such board may provide, during the period of the incubation of such disease, or of its existence if already developed, and until in the opinion of the state board of health such persons are free from all danger of infection.

SEC. 4479. *Quarantine rules.*—The state board of health is authorized to establish general rules, and, by an inspector acting by virtue thereof, to detain railroad cars or other public or private conveyances whenever it shall be shown to the satisfaction of such board, or to the inspector as provided in such rules, that such cars or other conveyances contain any passenger, person or property which has been exposed to cholera, diphtheria, or other dangerous communicable disease, or when it shall be shown to the satisfaction of such board or inspector as aforesaid, any passenger, person or property, are being transported on such railroad cars or other public or private conveyance from any locality within or without this State where any such dangerous communicable disease exists and where under the circumstances shown to such board, such persons or property are likely to carry infection of such dangerous communicable disease. In such case said board may, by its duly constituted inspectors, remove, isolate, place under the care of local boards of health, order to be returned to the places whence they came, or dispose of in any other manner it may consider proper, all railroad cars, or other conveyances, all passengers in such railroad cars or other conveyances, when there is reason, as aforesaid, to believe such may have contracted or become infected with any dangerous communicable disease, or have been exposed or infected by any such disease is a manner likely to render them bearers of infection. In case any person or property is detained by an inspector, for any of the purposes mentioned in this Act, the party or parties interested shall have a right to a hearing before the said board, and the decision of such board shall be final.

SEC. 4480. *Persons and property to be disinfected.*—All such persons, their baggage and other personal effects, and all such conveyances shall be disinfected under such rules and regulations as the state board of health may establish for the purpose of carrying into effect the provisions of this Act, before such persons or baggage or conveyances shall be permitted to enter the State, or to proceed to their or its destination if already in the State.

SEC. 4481. *May cause disinfection.*—The state board of health is hereby authorized to cause the disinfection of goods, merchandise, conveyance or other property which they have reason to believe may carry the germs of cholera or other dangerous communicable disease, and under the circumstances mentioned in sections two and three of this Act, to prohibit the entry of such goods, merchandise or other property into the State, or their being moved if within the State, until such disinfection shall be accomplished.

SEC. 4482. *Rules to be published.*—It shall be the duty of the state board of health to frame and publish rules for the inspection, isolation, detention, and disinfection contemplated in this Act. Whoever shall wilfully violate the rules of the state board of health, made in pursuance of this act, or the order, by its duly appointed inspector, made in obedience to such rules, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be liable to payment of a fine of one hundred dollars and costs of prosecution, or imprisonment in the county jail for a period not to exceed ninety days, or both such fine and imprisonment, in the discretion of the court.

SEC. 4483. *Expenses.*—Upon the written request of the state board of health and the governor, the auditor general is hereby directed to draw his warrant on the state treasurer from time to time for such sums of money as may be necessary to be used by the state board of health to carry into full effect all the provisions of this Act, said warrant to be paid from any money in the state treasury to the credit of the general fund not otherwise appropriated.

SEC. 3124. *Council may protect public health.*—The council of any city may enact all such ordinances as may be deemed necessary for the preservation and protection of the health of the inhabitants thereof, and to prevent the introduction of malignant, infectious or contagious diseases within the city, or within one mile thereof; and for the removal of persons having such diseases, or who, from exposure thereto or otherwise, may be suspected or believed to be liable to communicate the same, either beyond the city limits or to such hospital or place of treatment within the city as the council may prescribe, or the public safety may require.

SEC. 3129. *Hospitals, council may provide.*—The council may purchase the necessary lands, and erect thereon, or otherwise provide one or more hospitals, pest houses or quarantine buildings, either within or without the city limits, and provide for the appointment of the necessary officers, attendants or employes, for the care and management thereof, and for the care and treatment therein, of such sick and diseased persons as to the council or board of health of the city shall seem proper; and by direction of the council or board of health, persons having any malignant, infectious or contagious disease, or who have been exposed to such disease, may be removed to such hospital, pest house or quarantine buildings, and there detained and treated, when the public safety may so require; and the council may provide such restraints and punishments as may be necessary to prevent any such person from departing from such hospital, pest house or quarantine grounds until duly discharged.

SEC. 1473. *Entering public places, etc.*—No person affected with smallpox, diphtheria or scarlet fever, shall wilfully enter a public place or a public conveyance, nor shall in any way wilfully subject another person to danger of contracting such disease; no person shall knowingly and wilfully take, aid in taking, or cause to be taken, a child or other irresponsible person, while affected with any of the aforesaid diseases, into a public place or public conveyance, nor in any way knowingly and wilfully subject another person to danger of contracting any one of the aforesaid diseases from such child or irresponsible person; no person shall knowingly and wilfully subject another person to danger of contracting any of the aforesaid diseases from the body of a person deceased therefrom; no person shall in any way knowingly and wilfully expose, aid in exposing, or cause to be exposed a child or other irresponsible person, to danger of contracting any one of the aforesaid diseases: *Provided*, That this section shall not apply to necessary transportation of patients suffering from such disease in proper vehicles provided for such purposes.

SEC. 4474. Whoever shall violate any of the provisions of section one of this act shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be

punished by a fine of not less than twenty-five dollars, nor more than one hundred dollars, or by imprisonment in the county jail not less than twenty days, nor more than ninety days.

SEC. 4424 (as amended by act 7, 1903, and act 98, 1909). *When persons to be quarantined.*—When any person coming from outside the county or residing in any township, city or village within this State shall be infected or shall lately before have been infected with a dangerous communicable disease, the board of health of the township, city or village where such person may be shall make effectual provision in the manner in which it shall judge best for the safety of the inhabitants, and it may remove such sick or infected person to a separate house if it can be done without danger to his health, and shall provide nurses and other assistants and necessaries which shall be at the charge of the person himself, his parents, or other persons who may be liable for his support, if able: *Provided*, If such person, his parents, or other person who may be liable for his support be not able to pay for such assistance and necessaries, the board of health shall keep an itemized and separate statement of expenses incurred for each and every person cared for under this section, and shall render such statement to the board of supervisors of the county by filing the same with the county clerk. And the said board of supervisors shall, as soon as may be, proceed to audit the said bill, and if found that the expenses were necessarily incurred, the services actually and necessarily performed, and the amounts claimed for such expenses and services are severally just and reasonable under the circumstances, the said board of supervisors shall allow the same or such parts thereof as the majority of the members-elect of said board shall deem just, and provide for their immediate payment by the said county, and in auditing such accounts, said several boards of supervisors shall have full power to examine into the merits of all claims presented to them in accordance with the provisions herein contained, and may subpoena witnesses and take any other measures necessary to arrive at the truth of the same; and the said board of supervisors is hereby empowered, if necessary, to issue orders or borrow money on the faith and credit of the county to pay all such necessary bills and expenses, and to include the same in the next appropriation of money to be raised by taxation in said county: *Provided*, The Board of Supervisors or county board of auditors shall fix the maximum fee and mileage for medical attendance upon contagious diseases chargeable to the county, and shall authorize the superintendents of the poor, upon the application of any board of health of a township, city or village to contract with a physician or physicians to attend contagious diseases.

SEC. 4425. *Quarantine in residence.*—If any such infected person can not be removed without danger to his health, the board of health shall make provision for him as directed in the preceding section, in the house in which he may be, and in such case they may cause the persons in the neighborhood to be removed, and may take such other measures as they may deem necessary for the safety of the inhabitants.

SEC. 4426. *Board may restrain travelers.*—The board of health of any township near to, or bordering upon either of the neighboring States, may appoint, by writing under their hands, suitable persons to attend any places by which travelers may pass, from infected places in other States; and the persons so appointed may examine such passengers as they may suspect of bringing with them any infection which may be dangerous to the public health, and if need be, may restrain them from traveling until licensed thereto by the board of health of the township to which such persons may come; and any person coming from such infected place, who shall, without license, as aforesaid, travel within this State, unless it be to travel by the most direct way to the State

from whence he came, after he shall be cautioned to depart by the persons appointed as aforesaid, shall forfeit a sum not exceeding one hundred dollars.

SEC. 4427. *Removal of persons infected.*—Any two justices of the peace may, if need be, make out a warrant under their hands, directed to the sheriff, or any constable of the county, requiring him, under the direction of the board of health, to remove any person infected with contagious sickness, or to take possession of convenient houses and lodgings, and to provide nurses, attendants, and other necessaries, for the accommodation, safety, and relief of the sick.

SEC. 4428. *Infected baggage, clothing, and goods.*—Whenever, on the application of the board of health, it shall be made to appear to any justice of the peace that there is just cause to suspect that any baggage, clothing, or goods of any kind found within the township, are infected with any disease which may be dangerous to the public health, such justice of the peace shall, by warrant under his hand, directed to the sheriff, or any constable of the county, require him to take with him as many men as the said justice shall deem necessary to secure such baggage, clothing, or other goods, and to post said men as a guard over the house, or place where such baggage, clothing, or other goods shall be lodged, which guard shall take effectual care to prevent any person removing, or coming near to such baggage, clothing, or other goods, until due inquiry be made into the circumstances thereof.

SEC. 4429. *Impressing houses, etc.*—The said justice may also, by the same warrant, if it shall appear to him necessary, require the said officer, under the direction of the board of health, to impress and take up convenient houses or stores, for the safe keeping of such baggage, clothing, or other goods; and the board of health may cause them to be removed to such houses or stores, or to be otherwise detained until they shall, in the opinion of said board of health, be freed from infection.

SEC. 4430. *Powers of officer executing warrant.*—Such officer, in the execution of such warrant, shall, if need be, break open any house, shop, or any other place mentioned in said warrant, where such baggage, clothing, or other goods shall be; and he may require such aid as shall be necessary to effect the execution of the warrant; and all persons shall, at the command of any such officer, under a penalty not exceeding ten dollars, assist in the execution of the warrant, if able to do so.

SEC. 4431. *Charges to be paid by owner.*—The charges of securing such baggage, clothing, or other goods, and of transporting and purifying the same, shall be paid by the owner or owners thereof, at such rates and prices as shall be determined by the board of health.

SEC. 4432. *Compensation for houses, nurses, etc.*—Whenever the sheriff or other officer shall take possession of any houses, stores, lodgings, or other necessaries, or shall employ any nurse or attendants, as provided in this chapter, the several parties interested shall be entitled to a just compensation therefor, to be paid by the county in which such person or property shall have been so employed or taken possession of.

SEC. 4433. *Removal, prisoners.*—Whenever any person confined in any common jail shall be attacked with any disease, which, in the opinion of the physician of the board of health, or of such other physicians as they may consult, shall be considered dangerous to the safety and health of the other prisoners, or of the inhabitants of the township, the board of health shall, by their order in writing, direct the removal of such person to some hospital or other place of safety, there to be provided for and securely kept, so as to prevent his escape, until their further orders; and if such prisoner shall recover from the disease, he shall be returned to such jail.

SEC. 4434. If the person so removed shall have been committed by order of any court, or under any judicial process, the order for his removal, or a copy thereof, attested by the presiding member of said board of health, shall be returned by him, with the doings thereon, into the office of the clerk of the circuit court for the county; and no prisoner, removed as aforesaid, shall be considered as thereby having committed an escape.

SEC. 4435. *Removal, paupers.*—Whenever any pestilence or contagious disease shall break out in any county poor house in this State, or in the vicinity thereof, and the physician to such county poor house, or such other physician as the superintendents may consult, shall certify that such pestilence or disease is likely to endanger the health of the persons supported at such poor house, the superintedents of such county poor house shall cause the persons there supported, or any of them, to be removed to some other suitable place in the same county, and there to be maintained and provided for at the expense of the county, with all necessary medical attendance and care, until they can safely be returned to such poor house, or otherwise discharged.

SEC. 4444. *Hospitals.*—The inhabitants of any township may establish within their township, and be constantly provided with, one or more hospitals for the reception of persons having the small-pox, or other disease which may be dangerous to the public health.

SEC. 4445. *Hospital regulations.*—All such hospitals shall be subject to the orders and regulations of the board of health, or a committee appointed by such board for that purpose; but no such hospital shall be established within one hundred rods of any inhabited dwelling house situated in an adjoining township, without the consent of such adjoining township.

SEC. 4447. When any hospital shall be so established, the physician attending the same, the persons inoculated or sick therein, the nurses, attendants, and all persons who shall approach or come within the limits of the same, and all such furniture and other articles as shall be used or brought there, shall be subject to such regulations as shall be made by the board of health, or of the committee appointed for that purpose.

SEC. 4448. *When board of health to provide hospitals.*—When the small-pox, or any other disease dangerous to the public health, shall break out in any township, the board of health shall immediately provide such hospital, or place of reception for the sick and infected, as they shall judge best for their accommodation, and the safety of the inhabitants; and such hospitals and places of reception shall be subject to the regulations of the board of health, in the same manner as hereinbefore provided for established hospitals.

SEC. 4449. *When infected persons to be removed to hospitals, etc.*—The board of health shall cause such sick or infected persons to be removed to such hospitals or places of reception, unless the condition of the sick person be such as not to admit of removal without danger of life; in which case the house or place where the sick shall remain, shall be considered as a hospital to every purpose before mentioned, and all persons residing in, or in any way concerned with the same, shall be subject to the regulations of the board of health, as before provided.

SEC. 4451. *Penalty.*—If any physician or other person, in any of the hospitals or places of reception before mentioned, or who shall attend, approach, or be concerned with the same, shall violate any of the regulations lawfully made in relation thereto, either with respect to himself, or his, or any other person's property, the person so offending shall, for each offense, forfeit a sum not less than ten, nor more than one hundred dollars.

SEC. 4450. *Board to prevent spread.*—When the small-pox, or any other disease dangerous to the public health, is found to exist in any township, the

board of health shall use all possible care to prevent the spreading of the infection, and to give public notice of infected places to travelers, by such means as in their judgment shall be most effectual for the common safety.

SEC. 4452. *Householders to give notice of disease.*—Whenever any householder, hotel keeper, keeper of a boarding house, or tenant, shall know, or shall be informed by a physician, or shall have reason to believe that any person in his family, hotel, boarding house or premises, is taken sick with small-pox, cholera, diphtheria, scarlet fever, or any other disease dangerous to the public health, he shall immediately give notice, in writing, thereof to the health officer of the township, city or village in which he resides. Said notice shall state the name of the person sick, the name of the disease, if known, the name of the householder, hotel keeper, keeper of boarding house or tenant giving the notice, and shall, by street and number, or otherwise, sufficiently designate the house in which he resides or the room in which the sick person may be; and if he shall refuse or wilfully neglect immediately to give such notice, he shall be deemed guilty of a misdemeanor, and upon conviction thereof he shall be punished by a fine or not exceeding one hundred dollars and costs of prosecution; or in default of payment thereof, by imprisonment not exceeding ninety days in the county jail, in the discretion of the court: Provided, That such fine or imprisonment shall not be enforced if the physician in attendance has given to the health officer or other officer hereinbefore mentioned an immediate notice of said sick person and true name of the disease, in accordance with the requirements of this section.

SEC. 4453. *Penalty on physician.*—Whenever any physician shall know that any person whom he is called to visit, or who is brought to him for examination, is infected with small-pox, cholera, diphtheria, scarlet fever, or any other disease dangerous to the public health, he shall immediately give notice thereof to the health officer of the township, city or village, in which the sick person may be; and to the householder, hotel keeper, keeper of a boarding house, or tenant within whose house or rooms the sick person may be. The notice to the officer of the board of health shall state the name of the disease, the name, age and sex of the person sick, also the name of the physician giving the notice; and shall, by street and number, or otherwise, sufficiently designate the house or room in which said person sick may be. And every physician and person acting as a physician, who shall refuse or neglect immediately to give such notice shall forfeit for each such offense a sum not less than ten nor more than fifty dollars: Provided, That this penalty shall not be enforced against a physician if another physician in attendance has given to the health officer, or other officer hereinbefore mentioned, an immediate notice of said sick person, and the true name of the disease, in accordance with the requirement of this section.

SEC. 4454. *Compensation to physician.*—For each complete notice in writing to an officer of the board of health, in full compliance with the preceding section, requiring from physicians, or other person, notices of diseases dangerous to the public health, the physician who gave the notice shall be entitled, on duly certifying that each notice was correct, and when the bill has been duly audited by the board of health, to receive from the township, city, or village, in which the notice was given, the sum of ten cents.

SEC. 4471 (as amended by Act 243, 1909). *Bringing into State infected person or article.*—No person sick with cholera, small-pox, diphtheria, scarlet fever or any other communicable disease dangerous to the public health, and no article which has been infected or is liable to propagate or convey any such disease, shall come or be brought into any township, city or village in Michigan, without the special permit of the board of health or of the health officer of said town-

ship, city or village, and then only under the supervision of the health officer of said township, city or village.

SEC. 4472. *Penalty.*—Whoever shall violate the provisions of section one of this Act, or the order of the health officer made in pursuance thereof, shall, on conviction, be deemed guilty of a misdemeanor, and shall be punished by a fine of not more than one hundred dollars, or by imprisonment in the county jail not exceeding three months, or by both said fine and imprisonment.

SEC. 2136. *Removal, prisoners.*—In case any pestilence or contagious disease shall break out among the prisoners in either prison, or in the vicinity of either prison, the board of such prison may cause the convicts therein to be removed to some suitable place of security, where each of them as may be sick shall receive all necessary care and medical attendance. * * *

SEC. 4796 (as amended by 141, acts of 1909). *Teaching in schools.*—There shall be taught in every year in every public school in Michigan the principal modes by which each of the dangerous communicable diseases are spread and the best methods for the restriction and prevention of each of such diseases. Such instruction shall be given by the aid of text-books on physiology, supplemented by oral and blackboard instruction. From and after July first, nineteen hundred ten, no text book on physiology shall be adopted for use in the public schools of this state, unless it shall give at least one eighth of its space to the causes and prevention of dangerous communicable diseases. Text-books used in giving the foregoing instruction shall, before being adopted for use in the public schools, have that portion given to the instruction in communicable diseases approved by the state board of health to the state board of education.

SEC. 4446. *Inoculating with small-pox.*—If any person shall inoculate any other person, or inoculate himself, or suffer himself to be inoculated with the small-pox, unless at some hospital licensed and authorized by law, he shall, for each offense, forfeit a sum not exceeding two hundred dollars.

SEC. 4436. *Township quarantine.*—Any township may establish a quarantine ground in any suitable place, either within or without its own limits: Provided, That if such place shall be without its limits, the assent of the township within whose limits it may be established shall be first obtained therefor.

SEC. 4437. *Quarantine for two or more townships.*—Any two or more townships may, at their joint expense, establish a quarantine round for their joint use, either within or without their own limits: Provided, That if such place shall be without their limits, they shall first obtain the assent of the township within whose limits the same may be.

SEC. 4438. *Quarantine in townships bordering on certain lakes, rivers, etc.*—The board of health in each township in this State bordering upon Lake Michigan, Lake Superior, Lake Huron, Lake St. Clair, or Lake Erie, or upon any of the principal rivers or straits connecting together any of the said lakes, or bordering upon any navigable waters uniting with any of the said lakes, rivers or straits, may from time to time establish the quarantine to be performed by all vessels arriving within the limits of such townships, and may make such quarantine regulations as they shall judge necessary for the health and safety of the inhabitants.

SEC 4439. *Quarantine regulations in vessels.*—The quarantine regulations so established shall extend to all persons, and all goods and effects, arriving in such vessels, and to all persons who may visit or go on board of the same.

SEC. 4440. *Penalty.*—The said quarantine regulations, after notice shall have been given in the manner before provided in this chapter, shall be observed and complied with by all persons; and any person who shall violate any such regulations, shall forfeit a sum not less than five dollars and not more than five hundred dollars.

SEC. 4441. *Quarantine of vessels.*—The board of health in each township bordering upon any of the lakes, rivers, straits, or other navigable waters hereinbefore mentioned, may at all times cause any vessel arriving within the limits of the township, when such vessel or the cargo thereof shall, in their opinion, be foul or infected, so as to endanger the public health, to be removed to the quarantine ground, and to be thoroughly purified, at the expense of the owners, consignees, or persons in possession of the same; and they may also cause all persons arriving in, or going on board of such infected vessel, or handling such infected cargo, to be removed to any hospital under the care of the said board of health, there to remain under their orders.

SEC. 4442. *Master, etc., to answer on oath.*—If any master, seaman, or passenger, belonging to any vessel, on board of which any infection may then be, or may have lately been, or which may have been at, or which may have come from any port or place where any infectious disease prevails, that may endanger the public health, shall refuse to answer on oath, to be administered by any member of such board, such questions as may be asked him, relating to such infection or disease, by any member of the board of health of the township to which such vessel may come, such master, seaman, or passenger, so refusing, shall forfeit a sum not exceeding two hundred dollars; and in case he shall not pay such sum, he shall suffer six months' imprisonment.

SEC. 4443. *Expenses.*—All expenses incurred on account of any person, vessel or goods, under any quarantine regulations, shall be paid by such person, or by the owner of such vessel or goods respectively.

[Laws of 1911, act 119.]

SECTION 1. *Occupational diseases.*—Every physician attending or called upon to treat a patient whom he believes to be suffering from poisoning from lead, phosphorus, arsenic or mercury, or their compounds, or from anthrax, or from compressed air illness, contracted as a result of the nature of the patient's employment, shall send to the State board of health, who shall transmit to the Commissioner of Labor a notice stating the name, postoffice address and place of employment of the patient, the length of time of such employment, and the disease from which in the opinion of the physician, the patient is suffering.

SEC. 2. Any physician who shall fail to make any report required by the preceding section, or who shall wilfully make any fase statement in such report, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not more than fifty dollars.

SEC. 3. It shall be the duty of the Commissioner of Labor and of the prosecuting attorney of the county where anyone violating the provisions of this act may reside, to prosecute all violations of the provisions of this act which shall come to the knowledge of them or either of them.

MINNESOTA.

[Revised Laws, 1905.]

SEC. 2130. *General duties of State board of health—Reports.*—The board shall exercise general supervision over all health officers and boards, take cognizance of the interests of health and life among the people, investigate sanitary conditions, learn the cause and source of diseases and epidemics, observe the effect upon human health of localities and employments, and gather and diffuse proper information upon all subjects to which its duties relate. It shall gather, collate, and publish medical and vital statistics of general value, and advise all State officials and boards in hygienic and medical matters—especially those in-

volved in the proper location, construction, sewerage, and administration of prisons, hospitals, asylums, and other public institutions. It shall report its doings and discoveries to the legislature at each regular session thereof, with such information and recommendations as it shall deem useful.

SEC. 2131. *General and special rules.*—The board may adopt, alter, and enforce reasonable regulations of permanent application throughout the whole or any portion of the State, or for specified periods in parts thereof, for the preservation of the public health. Upon the approval of the attorney general, and the due publication thereof, such regulations shall have the force of law, except in so far as they may conflict with a statute or with the charter or ordinances of a city of the first class upon the same subject. In and by the same the board may control, by requiring the taking out of licenses or permits, or by other appropriate means, any of the following matters:

* * * * * * *

3. The location of mortuaries and cemeteries and the removal and burial of the dead.

* * * * * * *

5. The pollution of streams and other waters and the distribution of water by private persons for drinking or domestic use.

6. The construction and equipment, in respect to sanitary conditions, of schools, hospitals, almshouses, prisons, and other public institutions, and of lodging houses and other public sleeping places kept for gain.

7. The treatment, in hospitals and elsewhere, of persons suffering from communicable diseases, the disinfection and quarantine of persons and places in case of such diseases, and the reporting of sicknesses and deaths therefrom.

8. The furnishing of vaccine matter; the assembling, during epidemics of smallpox, with other persons not vaccinated. But no rule of the State board, or of any public board or officer, shall at any time compel the vaccination of a child, or shall exclude, except during epidemic of smallpox and when approved by the local board of education, a child from the public schools for the reason that such child has not been vaccinated. Any person thus required to be vaccinated may select for said purpose any licensed physician, and no rule shall require the vaccination of any child whose physician shall certify that by reason of his physical condition vaccination would be dangerous.

SEC. 2133. *Interstate carriers.*—Whenever necessary, the board may establish and enforce a system of quarantine against the introduction into the State of any plague or other communicable disease by common carriers doing business across its borders. Its members, officers, and agents may board any conveyance used by such carriers, to inspect the same, and, if it be found infected, may detain such conveyance, and isolate and quarantine any or all persons found thereon, with their luggage, until all danger of communication of disease therefrom is removed.

[Acts of 1911, ch. 265.]

SEC. 13. *Appropriation.—State board of health:*

5. For expense in equipping and maintaining a laboratory, $15.000.

6. For expense in equipping and maintaining branch laboratories, $3.000.

7. Expense in maintaining Pasteur Institute, available for year ending July 31, 1912, $5.000.

8. Expense in maintaining Pasteur Institute, available for year ending July 31, 1913, $7,000.

* * * * * * *

9. For expense in collection, recording, and filing of vital statistics, $5,000.

10. For expense in control of contagious diseases and for investigation and prevention of tuberculosis, $12,500.

* * * * * * *

13. For additional expense in dealing with general sanitary problems in addition to the annual appropriation, $7,500.

[Revised Laws, 1905.]

SEC. 2134. * * * All local health boards of each county shall cooperate so far as practicable, and the State board, by written order, may require any two or more local boards to act together for the prevention or suppression of epidemic diseases.

SED. 2135. *Duties and penalties.*—All local boards of health and health officers shall make such investigations and reports and obey such directions concerning communicable diseases as the State board may require or give; and, under the general supervision of the State board, they shall cause all laws and regulations relating to the public health to be obeyed and enforced. Every member or officer refusing or neglecting to perform any duty imposed upon him by or pursuant to this chapter, or by any statute, ordinance, or by-law relating to the public health, shall be guilty of a misdemeanor.

SEC. 2136. *Entry for inspection, etc.*—For the purpose of performing their official duties, all members, officers, and employees of the State and local boards of health and all health officers shall have the right to enter any building, conveyance, or place where contagion, infection, filth, or other source or cause of preventable disease exists or is reasonably suspected. Every person who willfully prevents or hinders such entry or otherwise interferes with the performance of such duties shall be guilty of a misdemeanor.

SEC. 2137 (as amended by ch. 327, acts of 1907). *Necessary help—To whom chargeable.*—Every local board of health shall employ at the cost of the town, county, or place in which it exists, all medical and other help required for the suppression of communicable diseases, or for carrying out within its jurisdiction the lawful regulations and directions of the State board and its officers and employees; and upon its failure so to do the State board may employ such assistance at the local charge. But all persons whose duty it is to care for another infected with a communicable disease, to isolate such patient, or to fumigate or otherwise disinfect any article or place, shall be liable for the reasonable cost thereof to anyone performing such duty, or to any county, town, or municipality paying such cost.

SEC. 2138. *Allowance and payment of expenses, etc.*—All claims arising under the preceding section against any town, village, or city, if not paid by the persons liable therefor, shall be presented to the town board or council for audit and allowance as in the case of other claims. If any such claim be deemed excessive, or the whole or any part of the services or expenses charged for unnecessary, the items or parts objected to shall not be allowed without the approval of two disinterested physicians, given in the presence of the board or council. Upon the allowance of any such claim, the amount thereof shall be paid, and a certified statement shall be transmitted to the county auditor, embracing a copy of the claim as allowed, the date of such allowance, and showing for what purpose, and to whom the allowance was made. The auditor shall lay such statement before the county board at its meeting next following the receipt thereof. One-half the amount so allowed and paid shall be a claim against the county, and if deemed just and reasonable by the board, the same shall be allowed and paid.

SEC. 2139. *Appeal from disallowance—Costs.*—Within 10 days after written notice by the auditor to the clerk of the town, village, or city of the disallowance of the whole or any part of the half of any such claim chargeable upon the county, the claimant may appeal from such disallowance to the district court by giving notice of appeal as in other cases and without giving any bond or other security thereon. Such appeal shall be noticed, tried, and determined as in other appeals from the disallowance of claims by the county board. Unless the appellant shall recover more than the amount allowed by the county board, it shall be liable for costs and disbursements; otherwise the county shall be liable.

SEC. 4990. *Obstructing health officer.*—Every person who shall willfully oppose or obstruct a health officer or physician charged with the enforcement of the health laws, in performing any legal duty, shall be guilty of a misdemeanor.

SEC. 4991. *Willful violation of health laws.*—Every person who shall willfully violate any provision of the health laws the punishment for which is not specifically provided for therein, shall be punished by imprisonment in the county jail for not more than one year, or by a fine of not more than $2,000, or by both.

SEC. 5008. *Exposing person with contagious disease.*—Every person who shall wilfully expose himself or another affected with any contagious or infectious disease, in any public place or thoroughfare, except upon his necessary removal in a manner not dangerous to the public health, shall be guilty of a misdemeanor.

SEC. 5442. *Contagious disease—Removal of convicts.*—In case of an epidemic of any infectious or contagious disease in said prison, whereby the health or lives of the prisoners may be endangered, the warden, with the approval of the Board of Control, may cause the prisoners so affected to be removed to some other secure and suitable place or places for care and treatment; and, should said prison be destroyed, in whole or in part, by fire or other casualty, so as to become unsuitable for proper detention and custody of the convicts, the warden, with the approval of said Board, may remove them, or any number thereof, to such other safe and appropriate place as may be provided.

SEC. 727. *Powers, village council.*—The village council * * * shall have power to adopt, amend, or repeal all such ordinances, rules, and by-laws as it shall deem expedient for the following purposes:

9. * * * To establish pounds, and regulate and protect the same; * * * to prevent the running at large of dogs, and authorize the destruction, in a summary manner, of such as are unlawfully at large. * * *

17. To establish a board of health, with all the powers of such boards under the general laws; to provide hospitals and regulate the burial of the dead; * * *

22. To declare that the violation of any ordinance, rule, or by-law herein authorized shall be a penal offense, and to prescribe penalties therefor: *Provided*, That no such penalty shall exceed a fine of $100 or imprisonment in a village or county jail for a period of three months; but in either case the costs of prosecution may be added, and, in default of payment of fine or costs, the person committed may be confined in such jail until payment is made or said period is exhausted.

SEC. 2403 (as amended by ch. 220, acts of 1911). *Destruction, rodents.*—The heads of such animals (gophers, ground squirrels, etc.) shall be produced to the chairman of the town board of the town where they were killed, and if he shall be satisfied that they were killed within the designated territory, and by the person producing them, he shall certify to the county auditor the number of each kind so killed; and the auditor shall issue thereon a warrant on the county treasurer for the amount the claimant is entitled to receive under the resolu-

tion; or the claimant may produce such heads, bodies and evidence to the auditor direct.

The official to whom such heads and bodies are produced shall immediately cause such heads to be destroyed * * *

Any board of township supervisors may also offer a bounty for the destruction of the animals, described in the title of this act, and adopt rules for the payment thereof, which bounty so offered by a township may be in addition to any bounty which may be offered by the board of county commissioners.

MISSISSIPPI.

[Code of 1906.]

SEC. 2487. *General duties, State board of health.*—It is the duty of the State board of health to supervise the health interests of the people, to investigate the causes and means of prevention of endemic and epidemic diseases; the sources of mortality and the effect of localities, habits, employments, and conditions upon the public health; to investigate the sanitary condition of schools, prisons, public institutions, railroad and street cars and all buildings and places of public resort, and to recommend such measures of sanitation for them as it may deem advisable, and to prescribe rules and regulations for the conduct of county health officers; to require of the county health officers, of municipal boards of health, of physicians, of the managers or keepers of schools, prisons, public institutions, and buildings, or places of public resort, such sanitary information as may be useful; to collect and preserve such information relating to diseases and deaths as may be useful in the discharge of its duties and to advise the State and all local governments in all hygienic matters. * * *

SEC. 2488. *Duty to make report.*—It is the duty of the State board of health to make a report, in writing, to the governor on or before the 1st day of October next preceding each regular and special session, not an extraordinary session, of the legislature upon the sanitary condition, prospect, and needs of the State, setting forth the action of said board, of its officers and agents, the names thereof, and all its expenditures since the last preceding report, and such other matters as it may deem proper for the promotion of health or the prevention of disease; and the report shall be laid before the legislature by the governor at its ensuing term.

SEC. 2489. *Power to make and publish rules.*—The State board of health is authorized to make and publish all reasonable rules and regulations necessary to enable it to discharge its duties and powers to carry out the purposes and objects of its creation and reasonable sanitary rules and regulations to be enforced in the several counties by the county health officer under the supervision and control of the State board of health.

SEC. 2513. *Disinfection of public buildings, etc.*—It shall be the duty of the State board of health and they are hereby authorized and empowered to prepare rules and regulations governing the proper disinfection and sanitation of public buildings, railroad depots, and all railway coaches and sleeping cars operating in the State of Mississippi.

[Acts of 1912, ch. 62.]

SECTION 1. *Appropriation.*—The following sums of money, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the State treasury not otherwise appropriated:

* * * * * * *

For the eradication of tuberculosis, typhoid fever, malarial fever, pellagra, and other infectious diseases, year 1912, $10,000.

For the eradication of hookworm diseases and bacteriological work; for the investigation of any disease, year 1912, $9,000.

For the eradication of tuberculosis, typhoid fever, malarial fever, pellagra, and other infectious diseases, year 1913, $10,000.

For the eradication of hookworm disease and bacteriological and chemical work; for the investigation of any disease, year 1913, $9,000.

SEC. 1643. *Powers and duties.*—The (State) department (of health, constituted by the State medical association) must, through its committee, exercise a general superintendence over the health interests of the State, the collection of vital statistics, and the development of medical literature; must prescribe rules and regulations, with a specification of duties, for the conduct and reports of said committees; must investigate and report upon the hospitals, asylums, and other like institutions in the State; must take cognizance of and make recommendations for the interest of health and life among the people generally; must investigate the cause, means of prevention, and treatment of endemic and epidemic diseases; must investigate the influences of localities and employment upon the public health; and must act as an advisory board to the State in all hygienic and medical matters.

SEC. 1645. *Statistics.*—The duties of the bureau on vital statistics of the department shall be:

(2) To carry out the rules and regulations as to the collection of vital, mortuary, and sanitary statistics in the State that shall be adopted by the State board of health.

(3) To obtain from time to time supplies of reliable vaccine, at the expense of the State board of health, which shall be furnished to the members of the county board of health free of charge, for the purpose of vaccinating without charge the public-school children of the county and such indigent persons as may apply for vaccination at the office of said members of the county board of health.

(4) To make an annual report to the department of all vital, mortuary, and sanitary statistical work done in the State during the preceding year, together with such other information and suggestions and recommendations in regard to the public health as the committee shall deem advisable or may be from time to time required to do by law.

SEC. 1646. *Executive committee; duties.*—The executive committee of the department shall be the bureau on State medicine of the department, and its duties shall be:

(1) To encourage the investigation of endemic and epidemic diseases in the State with reference to the proper prevention and treatment thereof.

(3) To distribute health circulars in certain localities of the State to the heads of families at such times as may be expedient to prevent the spread or mortality of infectious and contagious diseases.

2493. *Board of supervisors to pay for disinfecting, etc.*—When a person or persons suffering with smallpox, yellow fever, or any other infectious or contagious disease, is isolated by the county health-officer of any county in the State, under the rules and regulations of the state board of health, the board of supervisors of such county shall pay the expenses incurred by such isolation, and also the expenses of disinfecting any infected premises when certified to by said county health officer. The board of supervisors is authorized, in its discretion, to pay for medicines and drugs which may be necessary for the suppression of said diseases, and for the necessary services of physicians for the suppression of the same.

2494. *Same; duties of.*—It is the duty of the county health-officer to enforce the rules and regulations of the state board of health in the prevention and spread of all contagious, infectious or epidemic diseases in his county, to investigate and examine into the causes thereof, and to recommend rules and regulations to remedy the same. Upon instruction from the board of supervisors to investigate and examine into the sanitary condition of any school, prison, market-house, butcher-stall, building, or place of public resort, and its surroundings, and suggest and recommend suitable sanitary measures for the same; to report his actions and all information and results of his investigations to the board of supervisors and state board of health, and to do such other things as the state board of health may lawfully require of him.

Sec. 2495 (as amended by ch. 222, acts of 1913). *Abatement of insanitary conditions.*—The State board of health, when informed by a county health officer or otherwise of the existence of any matter or thing calculated to produce, aggravate, or cause the spread of any epidemic or contagious disease, or to affect injuriously the health of the public or community, may declare the same a nuisance, and when it does so it shall notify the district attorney of the district where the nuisance exists, who shall forthwith commence proceedings by information in the circuit or chancery court to have the same abated. * * * This section shall not affect the right which municipalities may have to abate a nuisance or cause law and equity proceedings for that purpose.

2496. *Quarantine.*—The power to establish quarantine is vested in the state board of health; and whenever said board deems it necessary to prevent the introduction or spread of yellow fever or other infectious or contagious disease, it may establish quarantine stations at such places as it may deem advisable. The board of supervisors of any county, at the expense of the county, may establish local quarantine respectively when necessary to protect against such diseases, and may enforce the same by reasonable rules and regulations; but such local quarantine and rules and regulations, and those made by a city, town, or village, shall be subject to the action and consistent with the rules and regulations of the state board of health, which may alter, amend, or supersede the same.

2497. *Epidemics* (Laws 1898, p. 93).—When yellow fever, cholera, dengue, small-pox or other virulent epidemic contagious diseases shall make its appearance in the state, the state board of health shall take charge of the infected district or locality, and enforce such rules and prescribe such measures as it may deem necessary to prevent the spread of disease or to suppress it. The presence of any two members of the executive committee of the state board of health shall constitute a quorum for the transaction of business, and all official meetings of the executive committee of the state board of health, as to time and place, shall be held pursuant to a call of the president of the state board of health. It shall be the duty of every practicing or licensed physician in the state of Mississippi to report immediately to the secretary of the state board of health every case of yellow fever, cholera, dengue, small-pox, or other virulent epidemic contagious diseases that occurs within this practice.

2498. *Physicians to report to state board cases of contagious diseases.*—Every practicing or licensed physician shall report immediately to the secretary of the state board of health every case of yellow fever, cholera, dengue, smallpox or other virulent epidemic contagious diseases that occurs within his practice, unless the state board of health shall otherwise direct. Any practicing or licensed physician, wilfully failing to so report shall be guilty of a misdemeanor, and upon conviction shall be punished as provided by law for misdemeanors.

2499. *Penalty for falsely disseminating rumors of contagious diseases.*—Any person or persons, who shall falsely and maliciously disseminate or spread

rumors or reports as to the existence of yellow fever, cholera, dengue, smallpox or other virulent epidemic contagious diseases in any portion of this state shall be guilty of a misdemeanor, and upon conviction shall be punished as provided by law for misdemeanors.

2500. *Upon receiving report, investigation, etc., to be made.*—Upon receiving information that there is any case of yellow fever, cholera, dengue, smallpox or other virulent epidemic contagious diseases in any portion of this state, the secretary of the state board of health shall order the proper county health-officer, or other competent physician, to proceed immediately to said place and investigate the reported case, and to report to the secretary the result of his investigation. The secretary shall at once declare any infected point to be in quarantine under a competent physician as state health-officer, and shall notify the president of the state board of health, who, if practicable, shall call a meeting of the state board for its consideration. The state health-officer shall have power, and it shall be his duty, in accordance with the quarantine regulations of the state board of health to impose any and all such restrictions upon ingress and egress at an infected locality, and to so control the population of said infected locality as to the disposition thereof as shall best protect it, and at the same time prevent a spread of the infection. But this shall not prevent passengers from being transferred under guard from one railroad to another at railroad junctions.

2501. *Governor may provide board of health with requisite means.*—The governor may, if he deems it wise and proper to do so, furnish the State board of health with requisite means to enforce its quarantine regulations, including such armed forces from the national guard or militia of the State as may in his judgment be necessary. The national guard and militia shall, however, at all times be under the direction and command of the governor.

2502. *State board may call upon the general government.*—The state board of health, with the consent of the governor, when it deems it proper or necessary to do so, may call upon the government of the United States for such financial and medical aid as the necessities created by any epidemic may require.

2503. *The State board may prescribe quarantine regulations, etc.*—The state board of health shall prescribe quarantine regulations as to passenger and freight traffic of all railroads and common carriers that enter into or operate within the limits of the state, and its jurisdiction in such matters shall be paramount and exclusive. This power, however, shall only be exercised in order to permit travel and commerce, to allow necessary stops at grade crossings, turntables, water tanks and coal chutes, and to pass persons or things through and beyond the lines of any quarantine maintained by any county or municipality of the state, and shall not be exercised so as to lodge or stop within the lines of any municipal or county quarantine any person or thing excluded by such quarantine, except so far as may be necessary to enable it to investigate any reported case of yellow fever or other contagious or infectious disease, to put in quarantine any infected point, and to establish relay and detention camps.

2504. *Sanitary and quarantine service, etc.*—The state board of health, when deemed necessary, may appoint committees and engage suitable persons to render special sanitary service, to make practical or scientific examinations requiring expert skill, to supervise and enforce quarantine, to inspect vessels or other things or objects which the board may deem necessary to be inspected, and to aid in any thing necessary to enable the board to effectually perform its duties and enforce its powers.

2513. *Disinfection and sanitation of public buildings; state board of health to make rules and regulations.*—It shall be the duty of the state board of

health, and they are hereby authorized and empowered to prepare rules and regulations governing the proper disinfection and sanitation of public buildings, railroad depots and all railway coaches and sleeping-cars operating in the state of Mississippi.

2514. *Sanitary code for public buildings, etc.*—It shall be their duty and they are hereby authorized and empowered to prescribe a sanitary code which shall contain and provide rules and regulations of a general nature for the improvement and amelioration of the hygienic and sanitary condition of said public buildings, railroad depots, railway coaches and sleeping-cars.

2515. *Officers in charge of public buildings, etc., to obey orders of state board of health.*—Every person having control of any public building, railroad depot, railway company, sleeping-car company or other corporation, company or individual, or the receiver thereof, engaged in the carrying of passengers in this state, shall at their own expense, within a prescribed time after receiving notice from the state board of health of the promulgation of the rules and regulations in the preceding section mentioned, carry the same into effect.

2515a. *Penalty for violation.*—If any person having control of any public building, or any agent, manager, operator, employe or receiver of any railway company, sleeping-car company or any individual shall fail to comply with the provisions of the preceding section and the rules and regulations promulgated by the state board of health under the provisions thereof, he shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than fifty nor more than two hundred dollars.

Sec. 392. *Board of supervisors may appropriate money for screening cisterns, etc.*—The board of supervisors may, in its discretion, make necessary appropriations for screening cisterns and other water containers and fumigating and disinfecting houses where yellow fever existed or to prevent the introduction of yellow fever by distributing coal oil where stagnant water may be found. Such appropriation is not to be made unless in the opinion of the county health-officer such screening and fumigating or oiling is necessary.

Sec. 393. *Health officer may go on premises.*—It shall be lawful for such health-officer to enter the premises of any such place for the purpose of fumigating and disinfecting or oiling, and any person who shall refuse to allow such health officer to enter such place for the purpose of fumigating or oiling shall be guilty of a misdemeanor.

Sec. 2516. Identical with section 392.

Sec. 2516a. Identical with section 393.

Sec. 1085. *Public exposure.*—If any person shall wilfully and knowingly import or bring into this state, or into any county thereof, from another county, the small-pox, or any other contagious or infectious disease or matter thereof, with the design to spread the same by inoculation or otherwise, or shall inoculate, or procure inoculation, for said diseases, or any or either of them, after such disease may have been introduced, except as provided by law, the person so offending shall, on conviction, be fined not more than two thousand dollars, and be imprisoned not more than one year in the county jail, or both.

Sec. 1086. *Exposure after small-pox.*—A person having recently had the small-pox shall not, until after having obtained a certificate of the attending physician, or other person qualified to give such certificate, of his recovery, and of his being perfectly clean in his person and clothes, remove from the place where he shall have had the small-pox, to go abroad in the company of other persons who have not had the disease, or go into any public road or highway where travelers usually pass, without retiring out of the same or giving notice on the approach of any passenger, or go into any public place, or into any

railroad-car or coach, or upon any steam-boat, under the penalty of one hundred dollars fine, or thirty days imprisonment in the county jail, or both.

SEC. 2505. *Municipalities may create boards of health, pass sanitary laws.*—Any municipality may pass sanitary laws, establish a board of health, and enforce the collection and registration of birth, health, and mortuary statistics; but the same shall be subject to and not inconsistent with the rules and regulations of the State board of health touching the health interests of the county in which such city, town, or village is situated.

SEC. 1084. *Penalty.*—If two or more persons conspire * * *

(6) To commit any act injurious to the public health, such persons, and each of them, shall be guilty of a misdemeanor, and on conviction, shall be fined not less than $25, or shall be imprisoned not less than one month nor more than six months, or both.

SEC. 3316. *General powers, municipalities.*—The mayor and board of aldermen of every city, town, and village shall have the care, management, and control of the city, town, or village, and its property and finances, and shall have power to enact ordinances for the purposes hereinafter named, and such as are not repugnant to the laws of the State, and such ordinances to alter, modify, and repeal; and they shall have power.

SEC. 3319. To make regulations to secure the general health of the municipality; * * *

SEC. 3327. To establish, alter, and change the channels of streams or watercourses, * * * whenever so to do will promote the health, comfort, and convenience of the inhabitants of the municipality.

SEC. 3341. To make regulations to prevent the introduction and spread of contagious or infectious diseases; to make quarantine laws for that purpose, and to enforce the same within 5 miles of the corporate limits; to establish pesthouses outside the corporate limits, and to provide for the support and government of the same.

SEC. 3348. To pass all ordinances, and to enforce the same by fine not exceeding $100, or imprisonment not exceeding 30 days, or both.

SEC. 3354. The following additional powers are conferred on the mayor and board of aldermen of cities and towns, but not of villages, viz:

SEC. 3358. To erect, establish, and regulate hospitals, * * * in the corporate limits, or within 3 miles thereof, and provide for the government and support of the same.

MISSOURI.

[Revised Statutes, 1909.]

SEC. 6653. *Powers and duties, State board of health.*—The State board of health shall have general supervision over the health and sanitary interests of the citizens of the State. It shall be their duty to recommend to the general assembly of the State such laws as they may deem necessary to improve and advance the sanitary condition of the State; to recommend to the municipal authorities of any city, or to the county courts of any county, the adoption of any rules that they may deem wise or expedient for the protection and preservation of the health of the citizens thereof.

SEC. 6659. *Diseases of animals.*—The said board of health shall take cognizance of any fatal disease which may be prevalent among the domestic animals of this State and ascertain the nature and the causes of such disease and shall from time to time publish the result of their investigations, with suggestions for the proper treatment of such animals as may be affected and the remedy or remedies therefor.

SEC. 6661. *Annual report, contents.*—It shall be the duty of the board of health to make annual report, through its secretary or otherwise, in writing, to the governor of this State on or before the 1st day of January of each year, and such report shall include so much of the proceedings of the board and such information concerning vital and mortuary statistics, such knowledge respecting diseases, and such instructions on the subject of hygiene as may be thought useful by the board for dissemination among the people, with such suggestions as to legislative action as it may deem necessary.

SEC. 6654. *May quarantine, when.*—Whenever the state board of health shall be satisfied that any malignant, contagious or infectious disease exists in any city, district or part of the country to such an extent as to endanger the lives of the inhabitants of any part of the state of Missouri having direct communication with such infected city, district or part of the country, said board shall have power, by a majority vote, to establish quarantine regulations against such infected city or district, and may determine and regulate to what extent and by whom any communication or business transaction with such infected city or district may be had, and establish such rules and regulations as may be deemed necessary to prevent the introduction and spread of such disease; and said board is hereby empowered to call upon any executive officers of the state to enforce such rules and regulations, and it shall be the duty of all public officers, sheriffs and constables and other executive officers of the state to assist the state board of health to carry out the provisions of this chapter.

SEC. 6655. *Notification of epidemic.*—Whenever the state board of health shall declare that any malignant, infectious or contagious disease is epidemic in any portion of the country or the state of Missouri, they shall immediately, or as soon thereafter as possible, give notice to that effect to the citizens of the state, and also give public notice of the rules and regulations adopted by them for the enforcement of quarantine in infected and other districts, and to take such steps and adopt such measures as they may deem necessary to prevent the introduction of such disease.

SEC. 6656. *Penalty.*—Any person or persons failing, after notice, or refusing to comply with the quarantine rules and regulations of the state of Missouri, as established by the state board of health, or any person or persons resisting by force the enforcement of the quarantine regulations of the state of Missouri, established and approved as aforesaid, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten nor more than five hundred dollars for each offense.

[Acts of 1909, act, p. 539.]

SEC. 18. *Informing what diseases are communicable.*—* * * He (the secretary of the state board of health) shall inform all registrars what diseases are to be considered as infectious, contagious, or communicable and dangerous to the public health as decided by the state board of health, in order that when deaths occur from such diseases proper precautions may be taken to prevent the spreading of dangerous diseases.

[Acts of 1911, p. 4.]

SEC. 1. *Appropriation.*—There is hereby appropriated out of the State treasury, chargeable to the State revenue fund, for the contingent expenses and other incidental expenses of the several departments of the State government for the years 1911 and 1912, commencing on the 1st day of January, 1911, and ending on the 31st day of December, 1912, as follows:

SEC. 31. There is hereby appropriated out of the general revenue fund of the State for the support of the State board of health, including the salary of the secretary of said board, clerk and stenographer hire, collecting and recording vital statistics, the salary of a bacteriologist and for such supplies as may be required for use in the bacteriological laboratory, for printing, postage, office rent, light, fuel, and water, and for controlling infectious diseases, and for the payment of general expenses of maintaining the State board of health, the sum of $47,300: *Provided*, That the State board of health and bureau of vital statistics shall pay into the State treasury all moneys arising from fees as the State registrar of vital statistics may collect for issuing certified copies of births and deaths.

[Revised Statutes, 1909.]

SEC. 6663. *County boards of health.*—For the purpose of further carrying out the provisions of this chapter, there is hereby created a county board of health, to be composed of the judges of the county court of each county and a reputable physician appointed by them. Said county board of health shall have the same powers and authority as are given the State board of health by sections 6654, 6655, and 6656 of this chapter, within their respective counties, outside of incorporated cities and towns, respecting quarantine regulations and the prevention and spreading of malignant, contagious, and infectious diseases therein.

* * * * * * *

[Annotated Codes, 1906.]

SEC. 5508. *Powers, cities.*—The mayor and common council (in cities with more than 30,000 and less than 100,000 inhabitants) shall have power * * *—

X. * * * to make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and to enforce them within the city and within 2 miles thereof; * * *.

XVI. To establish, erect, and maintain hospitals and make regulations for the government thereof.

SEC. 5834. The mayor and council of each city governed by this article (cities with more than 3,000 and less than 30,000 inhabitants) shall have * * * the power to enact and ordain any and all ordinances not repugnant to the constitution and laws of this State, and such as they shall deem expedient for the * * * preservation of * * * the health of the inhabitants thereof, and such other ordinances, rules, and regulations as may be deemed necessary to carry such powers into effect, and to alter, modify, or repeal the same.

SEC. 5838. The council may make regulations and pass ordinances for the prevention of the introduction of contagious diseases into the city, and for the abatement of the same, and may make quarantine laws and enforce the same within 5 miles of the city. The council may purchase or condemn and hold for the city, within or without the city limits, within 10 miles therefrom, all necessary lands for hospital purposes, waterworks, sewer carriage and outfall, and erect, establish, and regulate hospitals, workhouses, poorhouses, and provide for the government and support of the same, and make regulations to secure the general health of the city, and to prevent and remove nuisances: *Provided, however*, That the condemnation of any property outside of the city limits shall be regulated in all respects as the condemnation of property for railroad purposes is regulated by law: *And provided further*, That the police jurisdiction of the city shall extend over such lands and property to the same extent as over public cemeteries, as provided in this article.

SEC. 5842. The council shall have power * * * and may provide for the condemnation of goods, merchandise, clothing, furniture and other personal property containing the germs of contagious or infectious dangerous disease, whenever the same is necessary for the health of the city; but in every case where private property is so condemned and destroyed, due compensation shall be made to the owner thereof, upon the appraisement of five disinterested commissioners appointed by the mayor.

SEC. 5961. The board of aldermen (in cities with more than 500 and less than 3,000 inhabitants) may make regulations and pass ordinances for the prevention of the introduction of contagious diseases in the city, and for the abatement of the same, and may make quarantine laws and enforce the same within 5 miles of the city. They may purchase or condemn and hold for the city, within or without the city limits, within 5 miles therefrom, all necessary lands for hospital purposes, waterworks, sewer carriage and outfall, and erect, establish, and regulate hospitals, workhouses, poorhouses, and provide for the government and support of the same, and make regulations to secure the general health of the city, and to prevent and remove nuisances: *Provided, however*, That the condemnation of any property outside of the city limits shall be regulated in all respects as the condemnation of property for railroad purposes is regulated by law: *And provided further*, That the police jurisdiction of the city shall extend over such land and property to the same extent as over public cemeteries, as provided in this article.

SEC. 6010. *Powers, villages.*—Such board of trustees (in villages) shall have power to pass by-laws and ordinances to prevent and remove nuisances; * * * to erect and maintain * * * hospitals; to prevent the introduction and spreading of contagious diseases; * * * to establish and provide for wells, cisterns and pumps; * * * to establish and regulate markets; * * * to regulate and prohibit the running at large of dogs in the streets and alleys of such town, and to impose and collect tax on dogs not exceeding $1 each; to impose and appropriate fines for forfeitures and penalties for breaking or violating their ordinances; to levy and collect taxes; * * * and to pass such other by-laws and ordinances for the regulation and police of such town and commons thereto appertaining as they shall deem necessary, not repugnant to and contrary to the laws of the State.

SEC. 5457. *Powers, cities first class.*—Whenever it shall come to the knowledge of the mayor (in a city of the first class) that any malignant, infectious or contagious disease or epidemic is prevalent in the city, or will probably become so, he may make proclamation of such fact to the inhabitants; and after such proclamation, the health commissioner, with the approval of the board of health, may have power, by order, to take all steps, and use measures necessary to avoid, suppress or mitigate such disease, without the intervention of the assembly, in the same manner and as effectually as the assembly could itself do by ordinance, and may employ such officers, agents, servants and assistants, establish temporary hospitals, provide necessary furniture, medical attendance and nurses, as in the opinion of the said commissioner, with the advice and counsel of said board of health, may be necessary and advisable: *Provided*, That the amount expended shall not exceed the appropriation for the health department. The health commissioner shall have and exercise such power until the mayor shall proclaim, that the epidemic or disease, in view of which the proclamation was made, is no longer imminent or prevalent, whereupon the said power shall cease.

[Acts of 1909, p. 258.]

SEC. 293. Said board (of health in cities of the first class) shall have power and it shall be its duty * * * to have the care, management and control of all buildings, institutions and property owned or used in such city as hospitals or institutions for the care and treatment of sick or injured persons, or as quarantine hospitals or stations within or without the corporate limits of such city, and to have the custody of all persons confined therein; * * * to investigate the nature of all contagious or infectious diseases, and take measures to prevent their development or continuance, by quarantine or otherwise, and when necessary to the public health and safety, to order the destruction of animals suffering from any contagious or infectious diseases, and the building within which they have been sick of such diseases; * * *.

SEC. 295. The mayor and common council in such city shall have power to enact such ordinances as may be proper and not inconsistent with the laws of this state or the provisions of this article for * * * care and quarantine of contagious or infectious diseases of persons or animals. * * *

[Acts of 1909, p. 121.]

SEC. 1. *Extermination of vermin.*—It shall be lawful for any county court in this state to offer a reward, not exceeding ten cents per head, for the destruction of gophers, moles, ground squirrels and chipmunks, the same to be paid out of the county treasury of the county in which the same are killed.

[Annotated Code, 1906.]

SEC. 4868. *Insane asylum.*—Any county court sending patients to the asylum (state lunatic asylum) shall, before sending them, see that they are free from any contagious disease, in a state of perfect bodily cleanliness. * * *

SEC. 7763. *Reform school.*—No boy * * * who has any contagious disease shall be committed to or received by the superintendent into said reform school (State Reform School for Boys.)

SEC. 8135. *Removal, prisoners.*—Whenever the physician so employed shall certify to the county court, or to the judge thereof in vacation, that any prisoner so confined is sick of any contagious or infectious disorder, liable to be communicated to other prisoners, such court, or any two judges thereof in vacation, may make an order directing the sheriff or marshal to remove such prisoner from such jail and provide for his safe keeping elsewhere, until he can be recommitted to jail without endangering the health of other prisoners.

[Acts of 1913, p. —.]

SECTION 1. *Occupational diseases.*—Every employer of labor in this State, engaged in carrying on any work, trade, or process which may produce any illness or disease peculiar to the work or process carried on, or which subjects the employee to the danger of illness or disease incident to such work, trade, or process, to which employees are exposed, shall, for the protection of all employees engaged in such work, trade, or process, adopt and provide approved and effective devices, means, or methods for the prevention of such industrial or occupational diseases as are incident to such work, trade, or process.

SEC. 2. The carrying on of any process, or manufacture, or labor in this State in which antimony, arsenic, brass, copper, lead, mercury, phosphorus, zinc, their alloys or salts or any poisonous chemicals, minerals, acids, fumes, vapors, gases, or other substances, are generated or used, employed, or handled by the employees in harmful quantities, or under harmful conditions, or come in contact with in a harmful way, are hereby declared to be especially dangerous to the health of the employees.

SEC. 4. Every employer engaged in carrying on any process or manufacture referred to in section 2 of this act shall, as often as once every calendar month, cause all employees who come into direct contact with the poisonous agencies or injurious processes referred to in section 2 of this act to be examined by a competent licensed and reputable physician for the purpose of ascertaining if there exists in any employee any industrial or occupational disease or illness or any disease or illness due or incident to the character of the work in which the employee is engaged.

SEC. 5. It is hereby made the duty of any licensed physician who shall make a physical examination of any employee under the provisions of section 4 of this act, to make within 24 hours a triplicate report thereof to the State board of health of the State of Missouri upon blanks to be furnished by said board upon request, and if any such disease or illness is found, the physician shall so report, and if any such disease is found, the report shall state the name and address and business of such employer and the nature of the disease in precise and definite terms of all the diseases or illness with which the employee is afflicted and the probable extent and duration thereof, the name and business of employer, and the last place and length of employment: *Provided*, That the failure of any such physician to receive blanks from the State board of health for making such a report shall not excuse the physician from making the report as herein required. Any physician who shall fail to make a report as required by this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than $50, and in each case shall stand committed until such fine and costs are paid unless otherwise discharged by due process of law.

SEC. 6. The secretary of the State board of health shall, immediately upon receipt of any report from any physician in accordance with the provisions of section 5 of this act, transmit a copy thereof to the State factory inspector, and a copy to the superintendent of he factory in which the employee is supposed to have contracted his ailment.

SEC. 12. It shall be the duty of the State factory inspector to enforce the provisions of this act and to prosecute all violations of the same before any magistrate or any court of competent jurisdiction in this State, and for that purpose the State factory inspector and his assistants are empowered to and shall visit and inspect, at least once a year, and at reasonable hours, and as often as practicable, all places of employment covered by the provisions of this act.

SEC. 13. For the purpose of disseminating a general knowledge of the provisions of this act and of the dangers to the health of employees in any work or process covered by the provisions of this act, the employer shall post in a conspicuous place in every room or apartment in which any such work or process is carried on, appropriate notices of the known dangers to the health of any such employees arising from such work or process, and simple instructions as to any known means of avoiding, so far as possible, the injurious consequences thereof, and the State factory inspector shall have prepared a notice covering the salient features of this act, and furnish a reasonable number of copies thereof to employers in this State affected by the provisions of this act, which notice shall be posted by every such employer in a conspicuous place in every room or apartment in such place of employment. The notices required by this section shall be printed on cardboard of suitable character and the type used shall be such as to make them easily legible.

SEC. 14. Any person, firm, or corporation who shall, personally or through any agent, violate any of the provisions of this act, or who fails or refuses to comply with any of its requirements, or who obstructs or interferes with any exam-

ination or investigation being made by the State department of factory inspection in accordance with the provisions of this act, or any employee who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than $25 or more than $200 and in each case shall stand committed until such fine and costs are paid, unless otherwise discharged by due process of law.

SEC. 15. In this act, unless the context otherwise requires, "employer" includes persons, partnerships, and corporations.

MONTANA.

[Revised Codes, 1907.]

SEC. 1475. *Powers and duties of State board of health.*—The State board of health shall have general supervision of the interests and health and life of the citizens of the State. They shall study the vital statistics of the State and endeavor to make intelligent use of the records of deaths and sickness among the people; they shall make sanitary investigations and inquiries regarding the causes of disease and especially communicable diseases and epidemics; the causes of mortality, and the effects of localities, employments, conditions, ingesta, habits, and circumstances of the health of the people; they shall gather such information in respect to all these matters as they may deem proper for diffusion among the people; they shall make an inspection once in each year, and at such other times as they may be directed to do so by the governor, of all public institutions and make a report as to their sanitary conditions, with suggestions and recommendations to their respective boards of directors or trustees; and it shall be the duty of the official in the immediate charge of such institutions to furnish all the facilities necessary for a thorough investigation; they shall, when requested or when they shall deem it best, advise officers of the government or other boards within the State in regard to location, drainage, water supply, disposal of excreta, heating, and ventilation of any public institution or building; they shall have general oversight and direction of the enforcement of the statutes respecting the preservation of the health and the prevention of the spread of communicable diseases; they shall have general supervision of the work of local and county boards of health, hereinafter defined, and they shall, at each session of the legislature, submit through the governor a full report of their investigations and such suggestions and recommendations as they may deem proper.

SEC. 1477. *Power to make and enforce rules and regulations.*—The State board of health shall have power to promulgate and enforce such rules and regulations for the better preservation of the public health in contagious and epidemic diseases as it shall deem necessary, and also regarding the causes and prevention of diseases and their development and spread; and if any person or corporation refuses, after notice in writing from the secretary of the State board of health, or from any local or county board of health, of such rules and regulations to comply therewith within a reasonable time he shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than $10 nor more than $100 with costs of prosecution; and it shall be the duty of the secretary of the State board of health to prepare and distribute to local boards of health, physicians, and other persons requesting them, such printed circulars as the board may direct, and such rules and regulations as the board may promulgate as aforesaid.

SEC. 1498. *Contagious disease; restriction of travelers.*—The State Board of Health shall have the power, and it shall be its duty to issue and enforce reason-

able rules for the restriction and prohibition of any person or persons suffering from a communicable, infectious or contagious disease traveling on public conveyances, and shall issue reasonable rules and regulations for the disinfection of passenger cars or any other public conveyance in which any person or persons, suffering from contagious, infectious or communicable disease have been traveling.

SEC. 1479. *Duties of secretary.*—The secretary * * * shall, as far as practical, communicate with other State boards of health and with local and county boards of health within the State; * * * he shall, whenever requested by any local or county health officer, or when he may deem it necessary, visit any district to investigate the cause of any existing disease or sanitary condition; he shall, through an annual report, and otherwise, as the board may direct, disseminate such information as he may collect and general instructions regarding sanitary measures and means of preventing the spread of communicable diseases; * * *.

SEC. 1481. *Corporations to furnish information when requested by board.*—In order to afford better advantage for obtaining knowledge to be incorporated with that collected through special investigations and other sources, all officers of the State, the physician of all incorporated companies, and the president or agent of any company chartered, organized, or transacting business under the laws of this State, as far as it is practical, shall furnish to the State board of health any information bearing upon public health which may be requested by said board, for the purpose of enabling it better to perform its duties of collecting and distributing useful information on this subject.

SEC. 1510. *Secretary authorized to act for State board in emergency cases.*—In case of imminent danger from infectious or contagious disease, where the health of the people would be endangered from the delay of action necessary to call a meeting of the State board of health, the secretary of the State board of health shall have the full power of the State board of health to act in such matter until such time as a meeting of the State board of health may be duly called.

SEC. 1484. *Local boards of health.*—* * * any incorporated town of less than 5,000 inhabitants, may, by written notice to the State board of health, and to the county board of health of the county in which said town is located, place itself under the care of the county board of health, in which case the county health officer, as hereinafter provided for, shall have the same authority within the incorporate limits of such town as he has in the county outside of corporate limits: *Provided*, That such incorporated town shall pay all expenses incurred in enforcing sanitary measures and quarantines within its corporate limits * * *.

SEC. 1774. *Informing as to diseases declared communicable.*—* * * He (the secretary of the state board of health) shall inform all registrars what diseases are to be considered as infectious, contagious or communicable, and dangerous to the public health, as decided by the state board of health, in order that when deaths occur from such diseases proper precautions may be taken to prevent the spreading of dangerous disease. * * *

SEC. 1486. *Records of disease.*—

* * * * * * *

He (the secretary of the local board of health) shall keep accurate records of all communicable disease reported to him, and for this purpose each local board of health shall provide, at the expense of the city or town, a book printed in proper blank form for the notation of such facts and data as may be prescribed by the regulations of the State board of health.

These records shall be the property of the city or town and must be turned over by the secretary to his successor in office.

SEC. 1487. *Duties of local health officer.*—The local health officer shall make sanitary inspection whenever and wherever he has reason to suspect that anything exists that may be detrimental to the public health. He shall, as secretary of the local board of health, by a written instrument under his hand, order the destruction, prevention, and removal, within a specified time, of all * * * causes of sickness as directed by the local board of health, or order all public buildings, such as schoolhouses, churches, theaters, or other places where people congregate in considerable numbers, to be closed in time of epidemic or in the face of serious or unusual sickness, which in his judgment and approval in writing by the secretary of the State board of health and safety may require the same, and may forbid and prevent the assembling of the people in any place when the public health and safety demands the same.

SEC. 1488. *Penalties for failure to comply with orders of board.*—If any person or corporation shall neglect or refuse to comply with any written order of a local, county, or State health officer, made and promulgated by any of them under this act, within a reasonable time, to be designated in the notice, such person or corporation shall be guilty of a misdemeanor.

In case of such neglect or refusal to comply with such order, the local, county, or State board of health may cause it to be complied with at the expense of the town, city, or county, and such expenses shall be recovered from the person or corporation whose legal duty it was to comply with such order by a civil action brought in the name of such town, city, or county.

SEC. 1489. *Powers of local boards of health.*—The local or county board of health shall have power * * * to destroy, prevent, and remove all sources of filth and causes of sickness or disease; to guard against the introduction of communicable diseases by the exercise of proper and vigilant medical inspection, and control of all persons and things in their respective districts, which for any reason are liable to communicate contagious diseases. They shall also have authority to establish and maintain, at the expense of their respective city, town, or county, isolation hospitals, where patients suffering from smallpox or other very dangerous, contagious, or infectious disease may be properly quarantined and cared for when in their judgment they can not be properly quarantined and cared for elsewhere. Towns, cities, and counties must establish and maintain such isolation hospitals when directed so to do by the State board of health, and for this purpose they may secure, by purchase or otherwise, suitable building sites, and cities, towns, and counties may combine for the purpose of building, equipping, and maintaining such hospitals.

The local or county boards of health shall also have power and authority to require the isolation of persons or things infected with or exposed to infectious or contagious diseases, provide suitable places for the reception thereof, and, if necessary, furnish medical treatment and care for such sick persons at the expense of the city, town, or county; to prohibit and prevent all intercourse or communication with, or use of infected premises, places, or things, and require and provide means for the thorough fumigation, purification, disinfection, and cleansing of the same before intercourse therewith or use thereof shall be allowed.

When any contagious or infectious disease exists or is believed to exist on any premises within his jurisdiction the local or county health officer shall immediately place such premises under quarantine, in accordance with the rules and regulations of the State board of health, and shall maintain such quarantine in accordance with such rules and regulations. At the expiration of the period of quarantine the local or county health officer shall personally super-

vise the disinfection, fumigation, and cleansing of all persons or things which have been exposed to the contagion, and all disinfecting, fumigating, and cleansing shall be done in accordance with the rules and regulations of the State board of health, and at the expense of the city, town, or county.

SEC. 1490. *Police officer must assist health officer when requested.*—Any local, county, or State health officer may call upon all sheriffs, constables, or other police officers, to assist them in the discharge of their duties; and if any such officer when so called upon, shall neglect or refuse to render such service, he shall be guilty of a misdemeanor, and subject to removal from office.

SEC. 1491. *Interference with health officer; penalty.*—Any person who shall attempt to hinder, or who shall hinder the work of a local, county, or State health officer, or who shall remove, deface, or obscure any placard or notice posted under the authority or by the direction of such officer, or who shall violate any quarantine regulation is guilty of a misdemeanor.

SEC. 1494. *Duties of county boards of health.*—Each county board of health * * * shall establish such sanitary rules and regulations for their county for the prevention of the spread of disease as they may deem necessary, provided that no such rule shall conflict with the rules and regulations of the State board of health, and any person who shall fail, neglect, or refuse to comply with such rules and regulations shall be guilty of a misdemeanor, and shall, on conviction, be fined not less than $10 and not more than $50 for such offense.

SEC. 1495. *Duty of health officer.*—It shall be the duty of each local and county health officer * * * to * * * on or before the 5th day of each month, transmit to the secretary of the State board of health, on blanks provided therefor, a complete report of all communicable diseases reported to him during the previous month, giving all the details regarding each case as indicated by the blank forms provided by the State board of health.

* * * * * * *

SEC. 1496. *Failure of health officer to perform duty; penalty.*—Any local or county health officer who shall fail, neglect, or refuse to comply with any of the requirements of this act, or of the rules and regulations of the State board of health, shall be subject to a fine of not more than $200.

SEC. 1497 (as amended by ch. 117, acts of 1909). *Expenses and salary of health officer.*—All necessary expenses incurred by any local board of health and the salary of each local health officer shall be paid from the treasury of the respective city or town on presentation of an itemized and verified account; and all expenses incurred by a county board of health in the enforcement of the provisions of this act shall be paid from the general fund of the respective counties on presentation of an itemized and verified account. The city or town shall be liable for all expenses incurred with reference to residents of such city or town, except paupers, and the county shall be liable for all expenses incurred with reference to persons who are not residents of such city or town; provided, that persons who are merely sojourning in such city or town, or delayed by the authorities, or transients therein, or temporarily stopping therein without employment, shall not be deemed residents of such city or town. The county shall be liable for all expenses necessarily incurred by any local board of health with respect to any person not a resident of the city or town, and the city shall be liable for all expenses necessarily incurred by any county board of health with reference to any person, except paupers, who is a resident of such city or town. No county, city, or town shall escape any such liability for such expenses by transporting any person infected with, or known to have been exposed to, any communicable disease to any other county, city, or town, by persuading or inducing such person to go to such other city or town or county.

SEC. 1500 (as am. by ch. 15, acts of 1913). *Definition of the term "Communicable disease."*—The term "communicable disease" as used in this Act, shall be understood to include the following diseases: Smallpox, diphtheria, membranous croup, so-called scarlet fever, "spotted" or "tick" fever, typhus fever, enteric or typhoid fever, cerebro spinal meningitis, measles, whooping cough, mumps, anterior poliomyelitis or infantile paralysis, and tuberculosis and such other diseases as the State board of health may hereafter designate.

SEC. 1501. *Duty of householder to notify board of health of presence of communicable disease.*—Whenever any householder knows or has reason to believe that any person within his family or household has any communicable disease, he shall immediately give notice thereof to the health officer of the town or city in which he resides, if within the corporate limits of a town or city, or to the county health officer if without the corporate limits of a town or city; and such notice shall be given at the office of the local or county health officer within the shortest possible time and by the most direct means of communication.

SEC. 1502. *Duty of physicians.*—Whenever any physician knows that any person whom he is called upon to visit is infected with any communicable disease, such physician shall immediately give notice of such disease to the local health officer, if within the corporate limits of a town or city, or to the county health officer if without the corporate limits of a town or city.

SEC. 1503. *Duty of health officer to file complaint of violation of act.*—It shall be the duty of each local or county health officer in the state, who shall have knowledge of any violation of this Act occurring within his district to forthwith file a complaint with a justice or magistrate having jurisdiction.

SEC. 1505. *Quarantine measures.*—The State Board of Health, in case of danger of infection from smallpox, or any other infectious or contagious disease, dangerous to the public health, may institute and enforce quarantine measures against any state as it may deem necessary, and they shall enforce such quarantine measures against any city or county as they may deem necessary in order to prevent the spread of dangerous, infectious or contagious diseases, and if any person or corporations refuse or neglects to comply with such quarantine regulations, he shall, upon conviction, pay to the Treasurer of the state a fine of not less than ten dollars or more than one hundred dollars.

SEC. 1506. *Diseased prisoners.*—Whenever any person in any jail shall be attacked with any disease which, in the opinion of the local or county health officer, shall be considered dangerous to the health of the other prisoners, the health officer may, by his order in writing, direct the removal of such person to some hospital or other place of safety, there to be provided for and securely kept so as to prevent his escape until his further orders, and if such prisoner shall recover from such disease he shall be returned to such jail.

SEC. 1507.—If any person removed from any jail by any health officer shall have been committed by order of any court or under any judicial process, the order for his removal, or a copy thereof, attested by the health officer issuing such order, shall be returned by him with the proceedings endorsed thereon, to the office of the clerk of the district court of the county, and no prisoner removed as aforesaid shall be considered as thereby having committed an escape.

SEC. 1511. *Penalties.*—Whoever shall knowingly violate any of the provisions of this act or any rule or regulation of any county, city, or State board of health made in accordance with the provisions of this act, the penalty for which is not herein specifically provided, shall be guilty of a misdemeanor.

SEC. 8483. *Location, pest-houses.*—Every person who establishes or keeps, or causes to be established or kept, within the limits of any city, town, or village,

any pest house, hospital or place for person affected with contagious or infectious diseases, is guilty of a misdemeanor.

SEC. 8485. Every person who willfully violates any of the laws of this State relating to the preservation of the public health is, unless a different punishment is prescribed by this code, punishable by imprisonment in the county jail not exceeding one year or by fine not exceeding $1,000, or both.

SEC. 8486. Every person charged with the performance of any duty under the laws of this State, relating to the preservation of the public health, who willfully neglects or refuses to perform the same, is guilty of a misdemeanor.

SEC. 8525. *Public exposure.*—Every person who willfully exposes himself or another infected with any contagious or infectious disease, in any public place or thoroughfare, except in his necessary removal in a manner the least dangerous to the public health, is guilty of a misdemeanor.

SEC. 8770. *Exposing clothing, etc.*—Every person who exposes any clothing or person infected with the small-pox, or other contagious disease, with intent to cause the spread of such disease, is punishable by imprisonment in the state prison not exceeding five years.

SEC. 9770. *Removal, prisoners.*—When a pestilence or contagious disease breaks out in or near a jail, and the physician thereof certifies that it is likely to endanger the health of the prisoners, the district judge may, by a written appointment, designate a safe and convenient place in the county, or the jail in a contiguous county, as the place of their confinement. The appointment must be filed in the office of the clerk, and authorize the sheriff to remove the prisoners to the place or jail designated, and there confine them until they can be safely returned to the jail from which they were taken.

SEC. 9805. *State reform school.*— * * * No boy or girl shall be committed to said school (State reform school) who is not of sound intellect, free from cutaneous or other contagious disease. * * *

[Acts of 1913, ch. 120.]

SECTION 1. *State board of entomology.*—There is hereby created the Montana State Board of Entomology, which shall be composed of the State entomologist, the secretary of the State board of health, and the State veterinarian.

SEC. 2. The secretary of the State board of health shall be chairman of said board and the State entomologist shall be secretary.

SEC. 3. None of the members of said board shall receive any compensation other than that already allowed by law, except that the actual expenses of members while engaged in the duties incident to the work of said board shall be paid out of the appropriation made to carry on the work of said board.

SEC. 4. *Duties, board.*—It shall be the duty of said board to investigate and study the dissemination by insects of diseases among persons and animals, said investigation having for its purpose the eradication and prevention of such diseases.

SEC. 5. Said board shall take steps to eradicate and prevent the spread of Rocky Mountain tick fever, infantile paralysis, and all other infectious or communicable diseases that may be transmitted or carried by insects.

SEC. 6. *Rules.*—Said board shall have authority to make and prescribe rules and regulations, including the right of quarantine over persons and animals in any district of infection, and shall have the right to designate and prescribe the treatment for domestic animals to prevent the spread of such diseases; but said board shall not have the right to prescribe or regulate the treatment given to any person suffering from an infectious or communicable disease.

SEC. 7. All rules and regulations of the State board of entomology shall be subject to approval by the State board of health.

SEC. 8. The board shall publish in printed form all rules and regulations which shall be adopted by said board for the eradication and control of diseases of any kind and such rules and regulations shall be circulated among the residents of every district affected thereby.

SEC. 9. *Penalty.*—Any person who shall violate any of the rules or regulations of the State board of entomology shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not in excess of $100, or by imprisonment in the county jail for any period not exceeding 30 days, or by both such fine and imprisonment.

SEC. 10. *Appropriation.*—There is hereby appropriated, out of any moneys in the State treasury not otherwise appropriated, the sum of $5,000, or so much thereof as may be necessary, to carry on the work of the State board of entomology for the year 1913, and the sum of $5,000, or so much thereof as may be necessary, to carry on the work of said board for the year 1914. Said money to be expended under the direction and approval of the State board of examiners.

NEBRASKA.

[Compiled Stats., 1881, 14th ed., 1909.]

SEC. 4402 (as am. by ch. 193, acts of 1913). *Duties, State board of health.*—The State Board of Health shall have supervision and control of all matters relating to sanitation and quarantine necessary to the protection of the people of this State from disease arising from unsanitary conditions and from contagious, infectious and epidemic diseases; and it shall be the duty of said Board to formulate, adopt and publish such proper and reasonable general rules and regulations as will best serve to promote sanitation throughout the State, and prevent the introduction or spread of disease. In addition to such general and standing rules and regulations, in cases of emergency wherein the health of the people of the entire State or of any locality therein, shall be menaced by or exposed to any such contagious, infectious or epidemic disease or diseases arising from unsanitary conditions, or when a local board of health having jurisdiction in a particular locality shall fail or refuse to act with sufficent promptitude and efficiency in any such emergency; or in localities wherein no local board of health shall have been established as provided by law, it shall be the duty of the Board to adopt and enforce such special quarantine and sanitary regulations as the occasion and the proper protection of the public health may require; and all necessary expenses incurred in the enforcement of such rules and regulations shall be paid by the city, village or county, for and within which the same shall have been incurred. It shall be the duty of all local, municipal and county boards of health, health authorities and officials, officers of State institutions, police officers, sheriffs, constables, and all other officers and employes of the State, or of any county, city, village or township thereof, and of every person, to obey and enforce such quarantine and sanitary rules and regulations as may be adopted by the State Board of Health; and each and every person or officer specified in this section, who shall fail, neglect, or refuse to obey or enforce such rules or regulations shall, upon conviction for each and every such offense, be subject to a fine of not less than Fifteen ($15.00) dollars, nor more than One hundred ($100) dollars.

SEC. 4403. *Suppression, disease by State board.*—The State Board of Health shall make careful inquiry into the cause of the various contagious, infectious and endemic diseases, and shall take prompt action to suppress and control the

same. The reports of births and deaths, the sanitary conditions of localities and of employments, the personal and business habits of the people and the relation of the diseases of beast and man shall be the subject of careful study by the board, and it shall make and enforce orders necessary to protect the people against diseases of lower animals. It shall collect and preserve such information as may be useful in the discharge of its duties, and for dissemination among the people.

SEC. 4404. *Reports.*—It shall be the duty of all boards of health now in existence or that may hereafter be created, and of physicians in localities where there are no health authorities, or where such health authorities fail to act, to report to the State Board of Health promptly upon the discovery thereof, the existence of any one of the following diseases, viz;—Asiatic cholera, yellow fever, small-pox, scarlet fever, diphtheria, typhus and typhoid fever and such other contagious and infectious diseases as the State Board of Health may from time to time specify; and each and every member of any such board of health, or other officer or physician who knowing of the existence of any such disease shall fail promptly to report the same in accordance with the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than $10.00 nor more than $100.00 for each and every such offense.

[Acts of 1911, ch. 219.]

SECTION 1. *Appropriation.*—The following sums of money, or so much thereof as may be necessary, are hereby appropriated, out of any money in the treasury belonging to the general fund and other funds herein specified and not otherwise appropriated as hereinbefore specified, for the payment of expenses of State government for the biennium beginning April 1, 1911, and ending March 31, 1913, and miscellaneous items:

State board of health (p. 635): Office and traveling expenses and other necessary expenses for the gathering of vital statistics and carrying out the intent of the law in behalf of the health inspector and bureau of vital statistics, $8,200; for use in case of epidemics only and when authorized by unanimous vote of the State board of health, $5,000; total for the biennium, $13,200.

[Acts of 1913, ch. 218.]

SECTION 1. *State board of health bacteriological and pathological laboratory, establishment.*—There shall be, and is hereby, established in this State a laboratory for conducting and carrying on microscopical, bacteriological, and other scientific investigations and tests by and for the State board of health. Said laboratory to be used exclusively for the public benefit and in cooperation with local boards of health and health officers and under such regulations as the State board of health, on the recommendation of the secretaries thereof, may prescribe.

SEC. 2. *Location, director.*—Such laboratory shall be known as the State board of health bacteriological laboratory, and shall be located at such place as the State board of health, on recommendation of its secretaries, may designate. The said State board of health shall appoint, on recommendation of its secretaries, a competent bacteriologist and pathologist, who shall be known as director of said laboratory.

SEC. 3. *Director; tests, investigations.*—It shall be the duty of the director to make, or cause to be made under his personal supervision, all tests and investigations within the scope of section 1 hereof as may be required by the State board of health or local boards of health or health officers of the State or of munici-

palities therein under and in accordance with rules prescribed by the State board of health as heretofore provided.

SEC. 4. *Appropriation; director, salary.*—There is hereby appropriated, out of the moneys in the treasury of the State not otherwise appropriated, for the equipment of said laboratory the sum of five thousand dollars ($5,000) and for the maintenance and running expenses of said laboratory for the biennium ensuing—that is to say, for the salary of the director, for labor, express, postage, and for incidental expenses—the sum of seven thousand dollars ($7,000): *Provided, however*, That the salary of the director, which shall be fixed by the State board of health on the recommendation of the secretaries thereof, shall not exceed the sum of two thousand four hundred dollars ($2,400) per annum.

[Compiled Statutes.]

SEC. 9866 (as amended by chapter 79, acts of 1911). *County regulations.*—The county board of supervisors or commissioners of the several counties shall make and enforce regulations to prevent the introduction and spread of contagious, infectious, or malignant diseases in their respective counties; and to that end shall make and enforce quarantine rules, and shall establish in each county a board of health, one member of which shall be a legally registered physician, which board shall have jurisdiction throughout all the territory comprising said county, except incorporated cities and villages having the power to establish boards of health and quarantine regulations. When quarantine rules and regulations have not been made and a board has not been appointed as above specified and provided for, then the county board of supervisors or commissioners are hereby charged with and it shall be their duty to enforce the quarantine rules and regulations of the State board of health. * * *

SEC. 4401. The County Boards of Supervisors or Commissioners of the several counties shall make and enforce regulation to prevent the introduction and spread of contagious, infectious or malignant diseases in their respective counties; and to that end shall make and enforce quarantine rules, and shall establish, in each county a board of health. * * *

SEC. 1702. *Powers, cities.*—Cities of the second class, (cities of less than 5,000 inhabitants) in their corporate capacities, are authorized and empowered to enact ordinances for the following purposes in addition to the other powers granted by this act:

II. To make regulations to prevent the introduction of contagious or infectious diseases into the city, to make quarantine laws for that purpose and to enforce the same within five miles of the city, to create and establish a board of health * * *. Said board shall also have control of all contagious or infectious diseases and the care, treatment, regulation and prevention thereof, of hospitals, dispensaries and places for treatment of sick * * *.

SEC. 1536. * * * Cities governed under the provisions of this act (cities having between 5,000 and 25,000 inhabitants) shall have power by ordinance:

44. To make regulations to prevent the introduction of contagious, infectious, or malignant disease into the city, and to create a board of health to make quarantine laws for that purpose and enforce the same within five (5) miles of the city.

SEC. 1209. * * * cities governed under the provisions of this act (cities between 40,000 and 100,000 inhabitants) shall have power by ordinance:

XXXVII. To make regulations to prevent the introduction or spreading of contagious, infectious or malignant diseases in the city, and to create a board of health, to make quarantine laws for that purpose, and to enforce the same

within five miles of the city. To purchase, hold, lease or construct hospitals for the care of persons so infected with such diseases, and to establish rules and regulations with respect to government, control and management of such hospitals.

SEC. 897. * * * The mayor and council shall not create a board of health except in cases of a general epidemic but may cooperate with the boards of health provided by the laws of the State and may appropriate moneys for such purposes. The mayor and council may provide rules and regulations for the care, treatment, regulation and prevention of all contagious and infectious diseases, for the regulation of all hospitals, dispensaries and places for the treatment of the sick. * * *

SEC. 894. The health commissioner (in cities of 100,000 inhabitants or more) shall * * * execute and enforce all laws of the state and ordinances of the city relating to matters of health and sanitation and all rules and regulations of the city relating to the public health. * * * The health commissioner shall have power to enter and inspect any and all premises for the detection, correction or extermination of * * * contagious or infectious diseases. * * *

SEC. 1748. Such board of trustees (of villages) shall have power to pass by-laws and ordinances to * * * provide pest houses; to prevent the introduction and spread of contagious diseases. * * *

6102. *Removal, convicts.*—In case any pestilence or contagious disease breaks out among the convicts in the penitentiary, the inspectors and warden may cause such convicts to be removed to some secure and suitable place where such as are sick shall receive all necessary care and medical attendance.

NEVADA.

[Acts of 1911, ch. 199.]

SEC. 4. *Assistance by State board of health.*— * * *. He (the secretary of the state board of health) shall when called upon by the local health officer in case of any epidemic, proceed immediately to such locality and render such assistance in his power to eradicate and prevent a recurrence of such epidemic and shall investigate any epidemic when called upon so to do by the state board of health.

SEC. 18. *Informing as to diseases declared contagious.*— * * *. He shall inform all health officers, what diseases are to be considered as infectious, contagious, or communicable and dangerous to the public health, as decided by the state board of health, in order that when deaths occur from such diseases proper precautions may be taken to prevent the spreading of dangerous diseases.

SEC. 25. (Amended by ch. 103, acts of 1913.) *Reports of cases.*—All cases of smallpox, diphtheria, (or) scarlet fever, shall be reported by the attending physician to the local health officer within 24 hours after making such diagnosis, and on or before the 5th day of each month physicians shall report to the local health officer in their respective counties all cases of contagious, infectious, or communicable diseases treated by them during the preceding month. Blanks for such reports shall be supplied by the State board of health.

SEC. 26. (As amended by ch. 103, acts of 1913.) *Penalty.*—Any physician who shall willfully neglect or refuse to perform any duties imposed upon them by the provision of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five ($5) dollars nor more than twenty-five ($25) dollars.

SEC. 1534. *Powers, State board.*—The said State board of health shall take cognizance of the interest of life and health among the inhabitants of the State; shall make or cause to be made sanitary investigations in inquiries respecting causes of disease, especially of epidemics and contagious diseases, and the means of prevention; the sources of mortality and the effect of localities, employment, habits, and circumstances of life on the public health. Said board shall also, when requested or when in its opinion the sanitary interest of localities require it, advise with municipal, county, and township officers with regard to the location, drainage, water supply, heating, and ventilation of public buildings, and the drainage and sewerage of towns and cities. It shall be the futher duty of the said State board of health, upon the application of any owner, agent, manager, or transporter of any sheep, cattle, or horses to at once examine and take necessary proofs concerning the health and recent exposure to danger and present condition of such sheep, cattle, or horses, and if thereupon the board be satisfied that any or all of such sheep, cattle, or horses are entirely free from all contagious or infectious diseases, said board shall issue to the person soliciting the same a certificate or bill of health certifying to such fact concerning such sheep, cattle, or horses as said board shall determine to be free from such disease or danger.

SEC. 1535. *Regulations.*—The board of health shall have authority to promulgate and enforce such regulations for the better preservation of the public health in contagious and epidemic diseases as they shall judge necessary, and any person, firm, association, or corporation, or the managing agent of any person, firm, association, or corporation refusing or neglecting, within five days after having been duly notified in writing, to comply with the requirements of such regulations shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than $100 nor more than $500 or by imprisonment in the county jail for a period not less than 50 days nor more than 250 days.

SEC. 4983. *Exposing clothing, etc.*—Any person who shall knowingly have or use about his premises, or who shall convey, or cause to be conveyed, into any neighborhood, any clothing, bedding, or other substance, used by or in taking care of any person afflicted by small-pox or other infectious or contagious disease, or infected thereby, or shall do any other act with the intent to, or necessarily tending to the spread of such disease into any neighborhood or locality; every person so offending shall be deemed guilty of a misdemeanor, and, on conviction thereof before any court of competent jurisdiction, shall be fined in any sum not more than five hundred dollars, or imprisoned in the county jail not exceeding six months, or by both such fine and imprisonment; and the court trying any such offender, may also include in any judgment rendered an order to the effect that the clothing or other property infected be burned or otherwise destroyed, and shall have power to carry such order into effect.

SEC. 4984. *Penalty.*—Any person guilty of violating the provisions of section one of this Act, in addition to the penalties herein prescribed, shall be liable in a civil action, in damages, to any and all persons who may from that cause become infected with such contagious disease; said damages shall be so assessed as to include, in addition to other damages, all expenses incurred by reason of such sickness, loss of time, and burial expenses; and such action may also be maintained by the representative of any deceased person.

[Acts of 1903, ch. 61.]

SECTION 1. *Duties, county authorities.*—Whenever it shall come to the knowledge of the County Commissioners of any county in the State of Nevada, or to any one of them, that any case of smallpox or any other highly contagious disease exists in such county, said County Commissioners shall meet and take all necessary and proper steps to prevent the spread of such disease. The Commissioner living nearest the place at which such disease first appears shall act for the Board of County Commissioners till a meeting can be held, but shall notify the other members of the Board immediately, by telegraph if possible, requesting a meeting, and when such meeting shall be held, he shall report his actions, which shall be confirmed by such Board if found to be reasonable and necessary to prevent the spread of such disease.

SEC. 2. *Quarantine regulations.*—The Board of County Commissioners may, and it shall be their duty, to adopt and enforce quarantine regulations in any and all cases of contagious disease appearing in their county, including the placing under quarantine of buildings, ranches, or towns; and upon the appearance of a highly contagious disease, they shall appoint whatever quarantine officers may be needed, and provide whatever buildings, medicines, disinfectants, and provisions may be required, and shall arrange for the payment of all debts or charges so incurred from any funds available; provided, however, each patient shall, if able, pay for his own food, medicine, clothes, and medical attendance.

SEC. 3. *Object of act.*—The object of this Act is to prevent the spread of any and all contagious diseases among human beings, from the place of origin in each county and from one county into another, and it shall be so construed by the various Boards of County Commissioners and by the Courts within this State, in order to protect the inhabitants thereof.

SEC. 4. *Misdemeanor.*—Failure by any person to obey the provisions of this Act, or any of them, shall be a misdemeanor.

SEC. 5. *County board of health to be consulted.*—Failure to obey the quarantine regulations adopted by the Board of County Commissioners in any county in this State shall be a misdemeanor. The Board of County Commissioners shall, however, when formulating such regulations, consult with the County Board of Health, if there be any, or with the County Physician, if there be any, or with the State Board of Health when practicable, but when there is need of prompt action, shall act upon their own judgment temporarily at least.

SEC. 6. *Lawful to confine patients.*—It shall be lawful to confine any patient for a reasonable time, or any other person who violates the quarantine regulations made by the Board of County Commissioners, if such confinement is thought to be necessary to prevent the spread of disease.

SEC. 7. *State Board of Health may adopt regulations.*—The State Board of Health may adopt reasonable quarantine regulations for the guidance of the Boards of County Commissioners, and such regulations shall be enforced as supplementary to the provisions of this Act.

SEC. 8. *Penalty.*—Any person convicted of a misdemeanor under the provisions of this Act shall be punished by a fine of not more than five hundred dollars ($500) or imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

[Acts of 1905, ch. 42.]

SEC. 2. *Duties, county board of health.*—It shall be the duty of the said county board of health to oversee all sanitary conditions of the respective county in which the board is created, and to supervise, control, and enforce such

health regulations as will best subserve the health and cleanliness of their respective counties. Said board shall act in conjunction with, and under the supervision of, the State board of health: *Provided, however,* That in cases of emergency, possible contagion, or those demanding speedy and immediate attention the said board may act independently and shall report at once to the State board of health. And any person, firm, association, or corporation refusing or neglecting, within five days after having been duly notified in writing, to comply with the requirements of such regulations, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than $50 nor more than $200 or by imprisonment in the county jail for a period not less than 25 days nor more than 100 days, or by both such fine and imprisonment.

[Acts of 1907. ch. 125.]

SEC. 28. *Powers, cities.*—The city council (of any incorporated city) shall have the following powers:

56. To make regulations to secure the general health of the city, to prevent the introduction of contagious, infectious, or malignant diseases into the city, and to make quarantine laws and regulations and enforce the same within the corporate limits, and within 12 miles thereof. To create a board of health and prescribe the powers and duties of the same.

NEW HAMPSHIRE.

[Public Statutes, 1891, ch. 107.]

SEC. 3. *Powers and duties (state board of health).*—They shall take cognizance of the interests of health and life among the people; shall make sanitary investigations and inquiries concerning the causes of epidemics and other diseases, the sources of mortality, and the effects of localities, employments, conditions, and circumstances on the public health; shall advise and assist town health officers in making investigations into sanitary matters in their towns; and shall take measures to diffuse among the people such information on the subjects above named as may be useful. They shall make such additions to or modifications of the rules and regulations established by town health officers as the public good requires.

SEC. 5. *Inspection of public buildings.*—They shall take cognizance of the sanitary condition of all public buildings, hospitals, penal institutions, reformatory institutions, and almshouses, whether State or county.

SEC. 8. *Office.*—The governor and council shall assign to the board a room in the statehouse, to be used for meetings and for the office of the secretary. It shall be kept open as other public offices are, and information shall be furnished there to town, county, and State authorities and to citizens of the State without charge concerning the sanitary condition of the State, the means of guarding against epidemic and contagious diseases, and other matters within the cognizance of the board.

[Laws of 1901, ch. 23.]

SEC. 1. *Laboratory of hygiene.*—The State board of health is authorized to establish and equip a laboratory with the proper and necessary apparatus, utensils, and instruments for the chemical and bacteriological examination of water supplies, milk, food products, drugs, etc., and the investigation of cases and suspected cases of diphtheria, typhoid fever, tuberculosis, pneumonia, malaria, glanders, and other infectious and contagious diseases.

SEC. 3. *Examination.*—The board shall also provide for the bacteriological examination of cases and suspected cases of diphtheria, typhoid fever, tubercu-

losis, glanders, and such other diseases as it may deem necessary, including any diseased condition that may be found in slaughtered animals, and in cases of infectious diseases shall report its findings immediately, by telegraph or telephone, to the physician requesting the same.

[Acts of 1913, ch. 41.]

SEC. 1. *Appropriation.*—The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the State, for the purposes specified for the fiscal year ending on the 31st day of August, 1914, to wit:

For State board of health department, $11,250, as follows: For salary of secretary, $2,500; salary of clerk, $500; for incidentals, $450; for printing blanks $300; for epidemic fund (ch. 30, laws of 1903), $5,000; for sanitary inspections (ch. 163, laws of 1909), $2,500. For laboratory of hygiene department, $6,400, * * *; for printing blanks and sanitary bulletins, $400. For vital statistics department, $1,750. * * *

[Acts of 1909, ch. 163.]

SEC. 4. *Inspections.*—The said inspector shall, under the direction of the State board of health, investigate local sanitary conditions in conjunction with and upon request of local boards of health in cases where such expert advice is deemed necessary by the State board of health.

SEC. 5. *Penalty.*—In addition to the specific duties herein prescribed, the said inspector shall perform such other duties in connection with public health matters as the State board of health shall direct, and whoever hinders, obstructs, or in any other way interferes with said inspector in the performance of his duties shall be fined not exceeding $50 for the first offense and $100 for each subsequent offense.

[Public Statutes, ch. 110.]

SEC. 2. *Health officers may remove sick.*—The health officers may remove any person infected with the smallpox, the malignant cholera, or other malignant pestilential disease, to some suitable house provided by them for that purpose, if it can be done without endangering the life of the person; and they may make such regulations respecting such house and for preventing unnecessary communication with such persons or their attendants as they may think proper. If any person shall wilfully violate the regulations, he shall forfeit fifty dollars, to be recovered by the heath officers in the name of the town.

SEC. 3 (as am. by ch. 13, acts of 1901). *Physicians to report to health officers or selectmen.*—It shall be the duty of every physician who attends upon any person infected with the smallpox, the malignant cholera, diphtheria, scarlet fever, or other malignant pestilential disease, immediately to report the same to the health officers or in their absence to the selectmen of the town. If any physician shall neglect so to do, he shall be fined one hundred dollars, or be imprisoned not exceeding ninety days, or both.

SEC. 4. *Inoculation for smallpox prohibited.*—If any person shall, with intent to communicate the smallpox, bring into this state or use any infectious matter, or shall inoculate himself or any other person with the smallpox, or be inoculated therefor, he shall incur a penalty of one hundred and fifty dollars, to be recovered by any person who will sue for the same, one half to his own use and the other half for the use of the town in which the offense is committed.

SEC. 5. *Health officers may permit inoculation.*—If any person shall break out with the smallpox, and the health officers shall judge that he may remain

without endangering others than his own family, they may give license to persons who have been exposed to the danger of taking the disease to be inoculated and to remain in the same house, subject to such regulations as they may impose.

SEC. 6. *Appropriation.*—The sum of five thousand dollars is appropriated as an epidemic fund, to be used, if necessary, under the direction of the governor and council, in case of the invasion or threatened invasion of cholera or other epidemic disease in this state.

[Laws of 1893, ch. 30.]

SECTION 1. *Power to establish quarantine vested in state board of health.*—The power to establish quarantine in this state shall be vested in the state board of health, and said board, whenever it is regarded necessary to prevent the introduction of cholera, smallpox, or other epidemic diseases from another state or from another country, and to restrict said diseases if introduced, shall have the power to establish quarantine stations at such places as may be deemed necessary, and the said board shall make and enforce such quarantine rules and regulations as it may deem best for the public good, said rules and regulations to be enforced when approved by the governor of the state.

SEC. 2. *Duties of local boards of health.*—It shall be the duty of local health officers, in their respective towns, to enforce all rules and regulations issued by the state board of health, but should it become necessary to establish quarantine stations for the purpose of detention, isolation, disinfection, etc., the expense of the same, and its maintenance, shall be paid from the epidemic fund of the state. Local boards of health may establish quarantine in their respective towns, but shall report immediately such action to the state board of health, and it shall be the duty of said board, as early as practicable, to ascertain the necessity of such quarantine, and shall either approve and enforce the said quarantine, or declare it raised.

SEC. 3. *Railroad and steamboat corporations, etc., must submit to quarantine regulations.*—Whenever quarantine is declared, all railroad and steamboat corporations, and the owners, consignees, assignees of any railroad, steamboat, stage, or other vehicle used for the transportation of passengers, baggage, or freight, shall submit to the quarantine rules and regulations established by the state board of health; they shall submit to any examination required by the health authorities, respecting any circumstance or event touching the health of the crew and passengers, and the sanitary condition of vehicles, baggage, or freight; and any person who makes a false declaration respecting the points under examination, or who violates the quarantine rules and regulations, shall, upon conviction thereof, be fined not more than two hundred dollars, or be imprisoned not more than six months, or both.

SEC. 4. *Inspectors may be appointed.*—If, in the opinion of the state board of health, it should be necessary to employ inspectors more effectually to accomplish the object of this act, the said board shall have the power to appoint competent persons for that duty; said inspectors to be paid a reasonable per diem for the time actually employed on said duty, and their necessary expenses, to be paid out of the epidemic fund of the state.

SEC. 5. *Appropriation.*—The sum of ten thousand dollars is hereby appropriated as an epidemic fund, to be used, if necessary, by the state board of health, with the consent of the governor and council, in case of the invasion, or threatened invasion of cholera, smallpox, or other epidemic disease into this state, and for the purpose of carrying out the provisions of this act; and the governor is hereby authorized to draw his warrant for the same, or such part of

the same as may be needed, out of any money in the treasury not otherwise appropriated.

[Laws of 1903, ch. 45.]

SECTION 1. *Physicians to report; town officers to quarantine or report to state board of health.*—It shall be the duty of every physician who attends upon any person whom he suspects is infected with smallpox to immediately report the same to the health officers of the town in which said person then resides, or if there be no health officers, then to the selectmen of the town who shall immediately quarantine such person and if there be doubt whether such person is suffering from smallpox, then said health officers or selectmen shall immediately notify the state board of health and request it to investigate the case immediately. If any physician, health officer or selectmen shall neglect so to do he shall be fined the sum of one hundred dollars to be recovered by the health officers, selectmen or any citizen of the town in the name of the town and for the benefit of the town.

[Laws of 1899, ch. 100.]

SECTION 1. *Board of health to assist those in quarantine.*—Whenever any person or family is placed in quarantine by a board of health to protect the public against smallpox, scarlet fever, diphtheria, or other dangerous, infectious, or contagious disease, it shall be the duty of said board to assist such person or family while in quarantine, in such manner as in the judgment of the board may be deemed wise or necessary.

SEC. 2. *Assistance not to be construed as public aid.*—All expenses thus incurred, or such part thereof as the board may determine, shall be deemed a legitimate expenditure for the protection of the public health, and shall be charged to the account of incidental expenses, but not to any indigent or pauper account; nor shall such expenditure be construed to mean a public aid to the person or persons so quarantined and assisted, unless such person or persons are already paupers as defined by the Public Statutes.

[Laws of 1901, ch. 16.]

SECTION 1. *Physicians may quarantine.*—A physician called upon to attend a sick person, and who finds the cause of such sickness to be of a contagious or infectious character and the general public likely to be endangered thereby, may quarantine such person's residence at once and report the fact to the board of health. Such quarantine shall continue in force until relieved or revoked by the board of health.

SEC. 2. *Every person to report disease in his household.*—Whenever any person knows or has reason to believe that any member of his family or household (boarder, roomer, or visitor) has either smallpox, diphtheria, membranous croup, scarlet fever, typhoid fever, measles, or any other malignant communicable disease, he shall, within twenty-four hours, if no physician is in attendance, give notice thereof to the local board of health of the town or city in which he resides, and such notice shall be given either verbally to one of the health officers, or by a communication addressed to the board of health and duly mailed within the time specified.

SEC. 3. *Board of health to establish quarantine.*—The board of health, upon being notified of the existence of either of the four diseases first named in section 2, or of other malignant pestilential disease, shall immediately quarantine the infected house, premises, or rooms, so as effectually to isolate the case,

and the family if necessary, in such a manner as will prevent the spread of the disease.

SEC. 4. *Placarding.*—Whenever a house, tenement, or room is placed in quarantine, a placard shall be posted in a conspicuous position, giving the name of the disease and also containing the following quarantine order: "All persons are strictly forbidden to enter or leave these premises without special permit from the board of health. All persons are strictly forbidden to remove this card without orders from the board of health."

SEC. 5. *Report to state board of health.*—Upon the appearance of either of the diseases named in section 2 in any town or city in the state, the board of health shall make an immediate report to the state board of health upon blanks furnished for that purpose, and shall thereafter make a weekly report as long as the disease continues, stating number of cases, number of infected houses, fatality, and such other facts as may be required by the state board of health.

SEC. 6. *Disinfection.*—At a proper time after the convalescence or death of the infected person or persons, the board of health shall cause the infected premises to be thoroughly disinfected and cleansed, so as effectually to destroy all contagion, said work to be carried out according to methods endorsed and recommended by the state board of health, after which the said premises may be released from quarantine.

SEC. 7. *Infected or exposed child not to attend school.*—No parent, guardian, person, or persons having the custody of any child, shall permit such child, if infected with any communicable disease, or has been exposed to such, to attend any public or private school.

SEC. 8. *Local health officers to attend meetings of state board of health.*—It shall be the duty of a health officer, or a representative of a local board of health, to attend a meeting of the state board of health, when requested by the latter, for consultation in the restriction and prevention of contagious and infectious diseases, or for the consideration of other important sanitary matters.

SEC. 9. *Penalty.*—Any person who knowingly violates any provision of this chapter, or any regulation established by authority of this chapter, shall be punished by a fine of ten dollars for each offense.

[Public Statutes, ch. 111.]

SECTION 1. *Quarantine regulations, how made.*—The health officers may from time to time make regulations respecting quarantine, prescribing in what cases it shall be performed by vessels arriving from any ports or places therein named, and may modify or change the same as in their opinion the safety of the people may require or admit, which shall be approved, recorded, and published as are other regulations made by them.

SEC. 2. *Pilots to have notice of regulations.*—The health officers shall give notice to the pilots of the port of all regulations made by them respecting quarantine, and such pilots shall make known the regulations to the masters of all vessels which they shall board, or to whom they shall have opportunity to communicate the same. If a pilot shall pilot a vessel subject to quarantine to or near any wharf, he shall forfeit his branch, and may be fined not exceeding one hundred dollars.

SEC. 3. *Vessels brought to at fort.*—The health officers shall communicate the regulation or orders by them made respecting quarantine to the commander of any fort near the port, and desire his co-operation in stopping all vessels subject to quarantine attempting to pass into the harbor. If any vessel shall attempt to pass after being hailed and forbidden, a shot may be fired ahead of the vessel; and if she shall persist, then a shot astern thereof; and if she shall

still persist, then the vessel shall be fired upon and into until she shall come to and submit to the regulations and orders. The commander shall receive five dollars for each shot so made, to be paid by the master before he shall leave the quarantine ground.

SEC. 4. *Officers of vessels to give notice of infection.*—The master and officers of every vessel arriving at a port in this state having on board any person infected with thep lague, smallpox, or any malignant, infectious, or pestilential disease, or who have been so infected during the voyage, or having on board any goods which may be reasonably supposed to have any infection of such disease, shall forthwith give notice thereof to the health officers or selectmen; and if the master or officers shall neglect to give such information, he shall be fined not exceeding five hundred dollars, or be imprisoned not exceeding three months, or both.

SEC. 5. *Vessels to perform quarantine.*—The health officers shall require all such vessels having on board any person infected with smallpox, plague, pestilential or malignant fever, or other malignant, infectious, or contagious disease, or who shall have been so infected during the voyage, or having on board any goods reasonably supposed to have any infection of such disease, to perform quarantine at such place as they shall appoint; and they shall order the master of the vessel to proceed with and anchor her at the place, there to be purified and cleansed as they may direct. A suitable place on shore may be prescribed and properly limited, for the purification of the cargo of the vessel.

SEC. 6. *Refusal to obey regulations; penalty.*—Any owner, master, supercargo, officer, seaman, consignee, or other person, who shall refuse to obey the orders and regulations of the health officers in regard to quarantine or the purification and cleansing of the vessel and cargo, shall be fined not exceeding five hundred dollars, or be imprisoned not exceeding three months, or both.

SEC. 7. *Signal of quarantine.*—A red flag at least six feet in length shall be hoisted from sunrise to sunset at the head of the mainmast of any vessel ordered for quarantine, until the vessel shall be entirely cleansed: and on a flagstaff at the place appointed for the reception of the sick and for the purification of infected goods so long as they shall remain there.

SEC. 8. *Bringing vessel to wharf; penalty.*—If any owner, master, supercargo, officer, seaman, or consignee of a vessel, or any other person knowing such vessel to be subject to quarantine, shall bring the same or suffer the same to be brought to or near a wharf, or near a dwelling-house or store, or shall make a false declaration as to the port or place from which she came, or shall cause, or aid, or permit the landing of any person or property of any kind from the vessel without permission of the health officers, he shall be fined not exceeding five hundred dollars, or be imprisoned not exceeding three months, or both.

SEC. 9. *Vessel to be removed.*—If any such vessel shall not be removed to the place of quarantine agreeably to the directions of the health officers, or shall be brought near to any wharf, dwelling-house, or store without their permission, the health officers shall cause the vessel to be forthwith removed to the place, there to remain at the risk of the owners until the expiration of the time limited by the health officers. The expense of removal shall be paid by the master, owner, or consignee, who shall be severally liable therefor, and may be recovered by the health officers in the name of the town, with double costs.

SEC. 10. *Goods landed without leave may be seized.*—The health officers may seize any goods landed from the vessel without their permission, and remove and keep the same until they shall have caused them to be thoroughly cleansed. The expenses of the purification of the vessel and her cargo shall be paid by the master, owner, or consignee of the vessel, and they shall be severally liable therefor.

SEC. 11. *Sick may be landed, when and how.*—Any person sick on board such vessel may be sent on shore by the health officers at some place by them appointed and limited for that purpose, and he shall be there maintained, provided for, and cleansed at his own expense or that of his parents or master, if able, otherwise at the expense of the town; and such town may recover the same of the town or county by law chargeable with his support, as in cases of relief afforded by overseers of the poor.

SEC. 12. *Landing without leave, penalty.*—If any person shall come on shore from a vessel infected, or justly suspected to be so, or subject to or ordered for quarantine, or performing it, or shall leave the place appointed for the sick or for purification, being employed or placed there by the health officers, without their permission, he shall be punished by a fine of one hundred dollars, or by imprisonment for three months.

SEC. 13. *Persons going on board detained.*—If any person shall, without permission of the health officers, go on board a vessel ordered for or performing quarantine, or go within the limits appointed by them for the reception of infected persons and property on shore, he shall be considered as infected, and held to undergo purification in the same manner and under the same regulations and penalties as those who are performing quarantine. He shall remain there at his own expense until discharged by the health officers, and may be forcibly detained by the persons there employed by the health officers until so discharged.

SEC. 14. *Penalties, how recovered.*—All forfeitures for the violation of any regulation prescribed by the health officers, and all expenses incurred by them in pursuance of this chapter, may be recovered of the several persons liable thereto, by action of debt, to be brought by such health officers in the name of the town, with costs.

[Acts of 1911, ch. 17.]

SECTION 1. *Unincorporated communities.*—Upon the appearance of smallpox, typhoid fever, or any other dangerous, communicable disease in any unincorporated locality in this state, it shall be the duty of any person having knowledge thereof immediately to notify the state board of health of the appearance of such disease: *Provided*, There is no local board of health having jurisdiction in the locality.

SEC. 2. Upon the receipt of such notice, the state board of health shall ascertain the facts and, if deemed necessary, may establish rules and regulations for the restriction and control of the disease; may appoint a sanitary officer, and may provide for such efficient administration of the regulations as may seem necessary to restrict the disease. The sanitary officer so appointed shall enforce the regulations established by the state board of health and shall have the same authority as is conferred by the Public Statutes upon local health officers. His term of office may be terminated at any time by the state board of health.

SEC. 3. Any person violating the provisions of this act or any regulation established thereunder, shall be fined $10 for each offense.

[Laws of 1903, ch. 56.]

SECTION 1. *Bread and milk tickets.*—All persons selling tickets for bread, milk or cream shall use some form of coupon ticket which shall be detached by the purchaser as used, or, if single tickets be used, they shall be defaced, punched, or cancelled in some way at the time of sale and shall not be again used as a ticket.

SEC. 2. Any person using such tickets a second time shall be fined $10.

[Acts of 1913, ch. 118.]

SECTION 1. *Report of occupational diseases.*—Every physician in this State attending on or called in to visit a patient whom he believes to be suffering from poisoning from lead, phosphorus, arsenic, brass, wood alcohol, mercury, or their compounds, or from anthrax, or from compressed-air illness, or any other ailment or disease contracted as a result of the nature of the patient's employment, shall within 48 hours send to the State board of health a report stating:

(*a*) Name, address, and occupation of patient.

(*b*) Name, address, and business of employer.

(*c*) Nature of disease.

(*d*) Such other information as may be reasonably required by the State board of health. The reports herein required shall be on or in conformity with the standard schedule blanks hereinafter provided for. The posting of the report within the time required in a stamped envelope addressed to the office of the State board of health shall be a compliance with this section.

SEC. 2. *Blanks for reports.*—The State board of health shall prepare and furnish, free of cost, to the physicians included in section 1 standard schedule blanks for the reports required under this act. The form and contents of such blanks shall be determined by the State board of health.

SEC. 3. *Reports not evidence.*—Reports made under this act shall not be evidence of the facts therein stated in any action arising out of the disease therein reported.

SEC. 4. *Penalty.*—Any physician who neglects or refuses to send the report or reports as herein required shall be liable to the State for a penalty of $5 for each offense, recoverable by civil action by the State board of health.

SEC. 5. *Transmission of reports.*—It shall furthermore be the duty of the State board of health to transmit a copy of all such reports of occupational disease to the commissioner of labor.

NEW JERSEY.

[General Statutes, 1895, p. 1634.]

2. *Powers and duties of the State board of health.*—The said State board shall take cognizance of all matters affecting health and life among the citizens of this State, shall make sanitary investigations and inquiries in respect of the people, the causes of diseases, and especially of epidemics and the sources of mortality, and the effects of localities, employments, conditions and circumstances on the public health; they shall also make investigations and inquiries into the sanitary condition of any State, county, city, or township almshouse, asylum, prison, penitentiary, jail, reform school, schoolhouse, or other public building, and of tenements, manufactories, and workshops; the said State board shall also constitute a State bureau of vital statistics, who shall, as such board, cause to be made such tabular classification and such index and transcription of the vital facts shown by the certificates of marriages, births, and deaths now by law returned to the secretary of state as may be useful to the said board or to the officers thereof in preparing for diffusion among the people of the State such facts as may bear upon public health; the said board shall fix and determine the amounts to be paid for the classification, index, and transcription above required, which amounts shall not exceed the sum of 4 cents for each certificate returned to the secretary of state, and shall be paid out of the annual appropriations made to said State board as hereinafter provided.

4. *Sanitary inspections of chattels and persons, etc.*—The State board of health shall have a right to cause a sanitary inspection to be made of all chattels and persons in transportation through the State, and of the cars, boats, and other vehicles in which such chattels or persons may be transported; and the said board shall have the same right of inspection, procedure, and control in this respect as is or may be conferred by law upon the local board of health or local authorities in any township or city or other local municipal government in this State, and when in the judgment of said board it may be necessary the said board may require or cause an examination of vessels, cars, boats, or other vehicles, and of all baggage and persons to be made, and may enforce such detention or disinfection as they may deem necessary for the public safety.

5. *Board may appoint inspectors.*—The said State board may appoint inspectors and assign them to such duties as the interests of the public health in any part of the State may require and to aid in the execution of the laws relating thereto; and they may require the said inspectors to investigate the local epidemics, nuisances, needs for drainage, neglect of sanitary law, the condition of schoolhouses, tenements, manufactories and workshops, of public buildings belonging to the State or to any county or city therein, and of the persons confined or employed therein; and the State board, its agents and appointees shall have the same right of inspection in regard to all matters affecting the public health as has been or may be conferred upon local boards of health; the inspectors appointed by the State board of health shall be paid by the board out of the moneys appropriated therefor such sum as may be fixed and determined by the board.

6. Every physician in this State making official reports to the State board of health through the bureau of vital statistics shall be entitled to receive by mail from the treasurer of the State a copy of the annual report of the State board of health and of the bureau of vital statistics.

7. *Annual appropriation.*—The annual appropriation of the State board of health, for the purpose of making sanitary investigations and inquiries in respect to the people, the causes of disease, epidemics, and the sources of sickness and mortality, the effect of locality, employments, conditions, and circumstances on the public health, and for the purpose of making inquiry and investigation into the sanitary condition of any State, county, city, or township almshouse, asylum, prison, penitentiary, jail, or reform school, and for such other expenses as the said board are by this act authorized to incur, shall be the sum of $6,000 in addition to such appropriations as are authorized by law to be made for the purpose of preventing contagious and infectious disease among animals and the adulteration of foods and drugs; all moneys appropriated for the use of said board shall be paid by the treasurer of the State on the order of the comptroller upon requisition made by the board, signed by the president and secretary thereof and approved by the governor.

8. *Additional appropriation.*—In case any emergency of epidemic or of peril to the public health shall, in the judgment of the State board of health, require the expenditure of a larger amount of money than is herein appropriated, the facts that warrant such expenditure, in the judgment of the board, shall be presented by it to the governor, comptroller, and treasurer of the State, and if, in their judgment, additional expenditure is needed to enable the State board of health to meet such emergency they are hereby authorized to add to the appropriation made by virtue of the authority hereby given, such sum as in their judgment may be necessary therefor.

[Acts of 1912, ch. 376.]

Appropriation.—The following sums, or so much thereof as may be necessary, be, and they are, appropriated out of the State fund for the respective public officers and for the several purposes herein specified for the fiscal year ending on the 31st day of October, in the year 1913, namely:

* * * * * * *

For the State board of health, pursuant to the provisions of chapter 68, laws of 1887, and the amendments and supplements thereto, $23,325.

For compensation to the secretary of said board, pursuant to said chapter, $2,500.

For expenses to be incurred pursuant to chapter 225, laws of 1886, $2,000.

For blanks and stationery for use in the office of State board of health, $2,500.

For maintenance of the bacteriological laboratory, $8,200.

For postage required in sending to the physicians of this State the annual report of the State board of health and of the bureau of vital statistics, $700.

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For the purpose of carrying into effect the provisions of chapter 139, laws of 1906, $12,000.

For the purpose of carrying into effect the provisions of chapter 72, laws of 1900, and the amendments and supplements thereto, $27,000.

For the purpose of carrying into effect the provisions of chapter 12 of the laws of 1910, $10,000.

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For the purpose of carrying into effect the provisions of chapter 24 of the laws of 1912, $2,500.

[Acts of 1906, ch. 131.]

SECTION I. *Annual conference.*—The Board of Health of the State of New Jersey is hereby authorized to appoint a time and place for a conference, once in each year, between the members of said board and delegates from the various local boards of health in this State, for the consideration of questions relating to the prevention of the spread of dangerous communicable diseases and the promotion of the public health.

[Acts of 1908, ch. 292.]

1. *Epidemics in institutions.*—It shall be the duty of the Board of Health of the State of New Jersey, whenever an epidemic shall occur in any institution maintained, in whole or in part, by the State, to immediately initiate and prosecute vigorously all measures to check and control such epidemics, regardless of and without reference to any local board or boards of health, and to that end such State board of health is hereby endowed with full power and authority in the premises.

[Gen'l Stats., p. 1636.]

SEC. 12. *Powers, local boards of health.*—The said local boards of health shall have power to pass, alter or amend ordinances, and make rules and regulations in regard to the public health within their several jurisdictions, for the following purposes. . .

III. To prevent the spreading of dangerous epidemics or contagious diseases, and to declare that the same has become epidemic, and to maintain and enforce proper and sufficient quarantine whenever deemed necessary.

XIII. To remove persons infected to a suitable place, in case of contagious or infectious disease, where, in the judgment of the board, such removal is necessary and can be accomplished without any undue risk to the person or persons diseased, and to disinfect the premises when deemed necessary.

[Acts of 1911, ch. 380.]

1. *Reporting disease in dairies.*—Every physician who shall attend any person sick with typhoid fever, dysentery, scarlet fever, diphtheria or tuberculosis, on any dairy premises where milk is produced for sale or distribution, shall report to the Secretary of the State Board of Health within twelve hours after he first ascertained that any such person is sick with any of said diseases, which report shall be in writing, and shall state the nature of the disease, the name of the person who is ill with said disease and the location of the place where such person is ill as aforesaid, and the name of the owner or manager of said dairy premises if the same can be ascertained.

2. Every physician who shall attend any person sick with any of the diseases mentioned in section one, who shall have knowledge of the fact that any member of the family of such person ill as aforesaid, or any person living in the same family is employed on any dairy premises where milk is produced for sale or distribution, shall report to the Secretary of the State Board of Health in writing, within twelve hours after he first ascertained that any such person is sick as aforesaid, or within twelve hours after gaining the information above mentioned as aforesaid, which report shall state the name of the person who is ill with said disease, the nature of the disease and the location of the place where such person is sick as aforesaid, and shall further specify the name of the member of the family of such person or of the person living in the same family as the person ill as aforesaid, who is employed on dairy premises as aforesaid, and the name of the owner or manager thereof if the same can be ascertained and the location of the dairy premises where said person is employed.

3. *Penalty.*—Every person who shall fail to make the report provided for by sections one and two of this act in the manner and within the time therein mentioned, shall, for every such failure, forfeit the sum of fifty dollars, to be recovered in the manner provided for the recovery of penalties in the act to which this act is a supplement.

[Acts of 1912, ch. 131.]

1. *Reporting disease in institutions.*—Every physician, superintendent, or other person having control or supervision over any State, county, or municipal hospital, sanatorium, or other public or private institution in which any person suffering from any of the communicable diseases named in the act to which this act is a supplement is received for care or treatment shall, within 24 hours after any such case of sickness has been received into said institution, report such sickness to the secretary or clerk of the local board of health having jurisdiction over the territory in which such institution is located; if the local board of health have designated some other officer to receive such report, then the report shall be made to such designated officer, said report shall be in writing, signed by such physician, superintendent, or other person having charge over said institution, and shall set forth the name, age, color, sex, and nationality of the sick person, and shall also set forth the exact place of residence of the patient or the name of the place from which he was received into the institution, together with the date upon which he was received; and every physician, superintendent, or other person having charge over any State, county, or municipal hospital, sanatorium, or other public or private institution in which any case of communicable disease named in the act to which this act is a supplement is received

for care or treatment, who shall fail to perform the above-mentioned duty at the time and in the manner named, shall be liable to a penalty of $50 for each such failure.

2. Every secretary, clerk, assessor, or other person designated by any local board of health to receive reports of the communicable diseases required to be made by the act to which this act is a supplement, who shall receive any report of such sickness from any physician, superintendent, or other person having charge over any of the institutions referred to in this act, shall, when the sick person referred to in such report resides in some municipality or township other than that in which such institution is located, make a duplicate of any such report received by him and transmit the same within 24 hours after the receipt of the original, by mail, to the officer legally designated to receive such reports in the locality in which the sick person resided before being admitted into such institution; and every secretary, clerk, assessor, or other officer designated to receive such reports who shall fail to perform the above-named duty within the time and in the manner above-named shall be liable to a penalty of $50.

[General Statutes, p. 1677.]

1. (As amended by ch. 381, acts of 1911.) *Reports.*—Every physician shall, within twelve hours after his first professional attendance upon any person who is suffering from cholera, yellow fever, typhus fever, leprosy, plague, trichinosis, small-pox, varioloid, enteric or typhoid fever, diphtheria, membranous croup, scarlet fever, malaria, tuberculosis in any of its manifestations, trachoma, hydrophobia, glanders, anthrax, chicken-pox, anterior poliomyelitis or infantile paralysis, or any other contagious, infectious or communicable disease which may hereafter be publicly declared by the State Board of Health to be preventable and specially dangerous to the public health, report such sickness to the assessor of the township in which such sickness may be; if such sickness be within the limits of the jurisdiction of any local board of health other than the local board of health of any township, then such physician shall report such sickness to the secretary of the local board of health having jurisdiction over the territory within which such sickness may be, if such board has a secretary; if such board has no secretary, then to the clerk of such board; *provided, however*, that any local board of health may designate some officer of such board, other than the clerk, secretary or township assessor, to receive such reports, in which case all such reports shall be made to such officer; such report shall be in writing, signed by such physician and shall set forth the name, age and precise location of the person suffering from such disease; and every houseowner or householder who has reason to believe that any person living, dwelling or being in any building under his control is affected by any of the contagious, infectious or communicable diseases hereinabove specified or referred to shall, when no physician has professionally attended such sick person, within twelve hours after discovering the same, report the fact in writing to the same person and in the same manner as any physician attending such sick person would be required to do as hereinabove set forth; and on the thirtieth day of June and the thirty-first day of December in each and every year every physician, houseowner and householder making any report or reports as in this section required, shall be entitled to receive from the officer to whom such report or reports shall have been made during the preceding six months, a certificate in writing under the hand of such officer, setting forth the number of names of persons reported to have been affected with any of the diseases hereinabove specifically named or referred to, which certificate when presented by such physician, houseowner or house-

holder to the proper disbursing officer of the city, borough, town or other local municipal government or township within which such affected person may have been, shall entitle such physician, houseowner or householder to receive from such disbursing officer the sum of ten cents for each and every name by such certificate certified to have been reported, unless such notification shall be found to have been erroneous, and any physician, houseowner or householder who shall fail to perform the above-mentioned duty at the time and in the manner above provided shall be liable to a penalty of fifty dollars for each such failure.

2 (as amended by ch. 381, acts of 1911). *Records; reports to State board of health.*—The facts contained in every report filed pursuant to the provisions of the first section of this act, shall be entered by the officer to whom the same shall be delivered in a book kept exclusively for that purpose, which book shall be subject to the inspection of the local board of health and its proper officers, and to the State Board of Health and its officers only; the officer to whom such report shall be delivered, and whose duty it is to make record of the same, as in this section above set forth, shall also, at least once in each week, and daily when required by the State Board of Health, transmit the facts stated therein by mail to the secretary of the Board of Health of the State of New Jersey, at Trenton, and shall upon request by the said State Board of Health or any of its officers give full information concerning the measures which are employed by the local board of health to prevent the spread of the diseases in such reports mentioned, which facts and information shall be conveyed to the secretary of the said State Board of Health in writing; any officer whose duty it is to make any report to said State Board of Health or the secretary thereof, as in this section above provided, and who fails to perform such duty at the time and in the manner above provided, shall be liable to a penalty of fifty dollars for each and every such failure of duty. Proof that the secretary of said State Board of Health has not received the report of such facts or such information from any such officer shall be *prima facie* evidence that such facts and information have not been transmitted to said secretary by such officer. Every officer whose duty it is to receive the reports mentioned in section one of this act shall during the month of October in each year, upon presentation of a certificate signed by the secretary of the State Board of Health stating the whole number of such cases reported as aforesaid from each municipality or township by such officer to the State Board of Health during the preceding year, be entitled to receive from the proper disbursing officer of the township, city, borough, town or other local municipal government within the limits of which the sickness so reported occurred, the sum of ten cents for each case reported, as aforesaid, to the secretary of the State Board of Health; *provided, however*, that such officer shall not be entitled to any payment for or on account of any such case unless report of such case was received by the secretary of the said State Board of Health within ten days after the date such said case was reported to the officer transmitting the same, and no such case shall be included in such certificate unless so received. Such certificates shall be sent to the officers above mentioned during the month of October of each year.

3. *Dead bodies.*—It shall be unlawful for any common carrier to accept for transportation, or to transport or carry within this State any person affected with any of the contagious, infectious or communicable diseases named or referred to in the first section of this act, or any infected article or articles of clothing, bedding or other property whatsoever, or the body of any person who shall have died of said contagious, infectious or communicable diseases, except

the same be inclosed in an hermetically-sealed casket, and except a license for such transport be first obtained in writing from the local board of health of the municipality or township in which the said infected person, infected articles or dead body may be located; and any common carrier knowingly violating any of the provisions of this section shall be liable to a penalty of one hundred dollars.

4. *Biological products.*—If the Board of Health of the State of New Jersey shall ascertain any vaccine virus, antitoxin or other animal product, sold, or offered for sale, or held for sale or use within this State for prophylactic or remedial purposes, to be dangerous to human health, or so impure or inert as to be inefficacious in rendering immune or less susceptible to disease any person in whom such product may be used, it shall be lawful for the said Board of Health of the State of New Jersey to prohibit the further sale or use within this State of any vaccine virus, antitoxin or other animal product, as aforesaid, manufactured or produced by the party who shall have manufactured or produced such dangerous, inert, impure or inefficacious product; any person who shall, after such prohibition, and with knowledge thereof, sell, or offer for sale, or use, or offer for use within this State any such prohibited product shall be liable to a penalty of one hundred dollars.

5. (As amended by ch. 101, acts of 1898.) *Prosecutions.*—Any penalty incurred under any of the provisions of this act may be recovered, with costs, in a summary proceeding, either in the name of the Board of Health of the State of New Jersey or in the name of the local board of health of the township, city, borough, town or other local municipal government within whose jurisdiction the penalty may have been incurred; it shall be the duty of any health inspector, registrar of vital statistics or member of any local board of health, who shall know or be informed of any violation of this act, whereby any penalty may have been incurred, to make, and any other person having such knowledge may make, under oath or affirmation, a complaint against the person incurring such penalty, setting forth the facts of such violation, which complaint shall be filed with the clerk of the district court or any justice of the peace of the county within which the offense may have been committed, or with any police justice or recorder of the township, city or municipality within which any local board bringing suit shall have jurisdiction, and the clerk of the district court, the justice of the peace, police justice or recorder with whom any complaint shall be filed as aforesaid, setting forth facts sufficient to show that any penalty prescribed by this act has been incurred, is hereby authorized and required to issue process, either in the nature of a summons or warrant, which process, when in the nature of a warrant, shall be returnable forthwith, and, when in the nature of a summons, shall be returnable in not less than five nor more than fifteen days; on the return of such process, or at any time to which the trial shall have been adjourned, the said court, justice of the peace, police justice or recorder shall proceed to hear the testimony and to determine and give judgment in the matter without the filing of any pleadings, and, if judgment shall be given in favor of the plaintiff, execution shall be forthwith issued against the goods and chattels of the defendant for the amount of the penalty, with costs; the officers to serve and execute any process or execution issued as aforesaid shall be the constables of the county, which service and execution, in the case of any execution issued out of a district court, shall be made in the same manner, and under the same liabilities as other executions issued out of said court are served and executed; the officers to serve and execute any process or execution issued by a justice of the peace, police justice or recorder shall be the constables of the county, which

service and execution shall be made in the same manner and under the same liabilities as prescribed in cases of the service and execution of process and executions by the act entitled "An act constituting courts for the trial of small causes," and the supplements thereto; all moneys recovered in any such proceeding shall be paid to the plaintiff therein and applied by such plaintiff to any purpose for which it may be legally authorized to expend money.

[Acts of 1912, ch. 351.]

1. *Occupational diseases.*—Every physician attending upon or called in to visit a person whom he believes to be suffering from poisoning from lead, phosphorus, arsenic, or mercury, or their compounds, or from anthrax, or from compressed-air iddless, contracted as a result of such person's occupation or employment, shall within 30 days after his first professional attendance upon such person send to the State board of health a written notice, stating the name and full post-office address and place of employment of such person, and the nature of the occupation, and the disease or ailment from which, in the opinion of such physician, the person is suffering, with such other specific information as may be required by the State board of health.

2. Any physician who shall fail to perform the duty imposed by section 1 of this act, within the time therein limited, shall be liable to a penalty of $25 for each offense. Any penalty incurred under the provisions of this act shall be sued for and recovered in an action of debt by and in the name of the Board of Health of the State of New Jersey. All penalties collected under this act shall be paid by said board into the treasury of the State of New Jersey.

3. It shall be the duty of the board of health of this State to enforce the provisions of this act, and it may call upon the local boards of health and health officers of such local boards of health for assistance. It shall be the duty of all local boards of health and all health officers, when called upon for such assistance to render the same. It shall be the duty of the said board of health of this State to transmit any data received under the provisions of section 1 of this act to the commissioner of labor of this State.

[General Statutes, p. 1639.]

21. *Closing of schools.*—The board of health of any township, or any city, borough, town or other local municipal government in this State, shall have the right to declare any epidemic or cause of ill health to be so injurious or hazardous as to make it necessary to close any or all of the public or private schools in the limits of such township, or of such city, borough, town or other local municipal government; but in case of public schools, the same shall not be closed except by the direction of the board of education, school trustees or other body having the control or direction thereof; any such board of education, school trustees or other body having control of public schools may in such case cause any or all of the schools under their control to be closed, if, in their judgment, such closing be necessary for sanitary purposes.

22. *School attendance.*—Any board of education, school trustees or other body having control of the public schools may, on account of the prevalence of any contagious disease, or to prevent the spread of such contagious disease, prohibit the attendance of any teacher or scholar upon any school under their control, and may specify the time during which such teacher or scholar shall remain away from such school, and may prohibit the attendance of any unvaccinated child who has not had the small-pox, and shall also have the power to decide how far revaccination shall be required if a case or cases of small-pox have occurred in the city or district.

24. *Powers not dependent.*—The power herein given to local boards of health to abate nuisances, sources of foulness, or causes of sickness, hazardous to the public health, shall not depend upon whether such boards have exercised their power to pass, alter or amend ordinances in relation to the public health.

25. *Public funerals.*—Such local boards shall have power to specify any contagious disease or diseases in case of death from which no public funeral shall be had, and to prohibit such public funeral under a penalty to be imposed, not to exceed fifty dollars, and in case of the threatening or prevalence of an epidemic, to prohibit such public funeral of persons dying with the particular disease or diseases then prevalent; and they shall also have power to prohibit such public funeral in any case in which the attending physician shall by writing so advise, or in any case in which two reputable physicians in the same district or municipality certify that they believe that the interests of the public health require such restriction.

26. *Reports.*—Any such local board may determine whether or when it is necessary for a physician or other person in attendance on the sick to notify said board of the existence of contagious or infectious diseases; where such notification is required, the local board shall enter in a book kept for that purpose, subject only to the inspection of the board and its proper officers, the name of the physician making such notification, the date of the notice, the name and precise locality of the disease, and at the close of each six months such physician shall be entitled to receive, on the certificate of the said board, from the disbursing officers of the said township or municipality the sum of twenty-five cents for each notification so given, unless such notification shall be found to have been erroneous.

[Acts of special session of 1903, ch. 1.]

121. (as amended by ch. 104, acts of 1906.) *Exclusion from school.*—A board of education may exclude from school any teacher or pupil who shall not have been successfully vaccinated or revaccinated, unless such teacher or pupil shall present a certificate signed by a regularly licensed physician that such teacher or pupil is an unfit subject for vaccination; *provided*, that in any district having a medical inspector appointed by the board of education the certificate hereinbefore provided for shall be furnished by such medical inspector. No teacher or pupil who shall be a member of a household in which a person shall be ill with small-pox, diphtheria, scarlet fever, whooping cough, yellow fever, typhus fever, cholera, measles or such other contagious or infectious disease as may be designated by the board of education, or of a household exposed to contagion as aforesaid, shall attend any public school during such illness, nor until the board of education shall have been furnished with a certificate from the board of health, or from the physician attending such person, or from a medical inspector, certifying that all danger of communicating such disease by such teacher or pupil has passed.

123. *Schools closed during epidemic.*—Whenever the board of health of any township, city, incorporated town, borough or other municipality shall declare any epidemic or cause of ill-health to be so injurious or hazardous as to make it necessary to close any or all of the public schools in such township, city, incorporated town, borough or other municipality, said board shall immediately serve notice on the board of education of the school district situate in said township, city, incorporated town, borough or other municipality that it is desirable to close said school or schools. Upon receipt of such notice such board of education may close the schools under its control, or such of them as may be designated by the board of health, and said schools shall not be reopened until said boards of education shall be satisfied that all danger from said epidemic or cause of ill-health has been removed.

[Acts of 1904, ch. 232.]

1. *Diptheria antitoxine supplied to indigent patients.*—The State Board of Health shall enter into a contract with some responsible manufacturer to supply free of charge, upon the certificate of the attending physician, to such indigent patients as shall require the same such antitoxine as may be necessary for their proper relief, at a cost of not exceeding four thousand dollars per annum.

2. *Appropriation.*—For the purposes aforesaid the State Board of Health is hereby authorized to expend, and the State Treasurer to pay out on warrants duly approved by the Comptroller on the order of said board, such sums of money as may be necessary to carry out the provisions of this act, not to exceed seven thousand dollars, for permanent equipment, and six thousand dollars for annual expenditures.

[General Statutes, p. 1649.]

1. *Surplus antitoxin serum may be sold.*—Where the board of health of any city in this State shall have established or shall hereafter establish a plant for the production of diphtheria antitoxin serum, and shall be engaged in the production of diphtheria antitoxin serum, that such board of health shall have power from time to time and at such price as they shall determine, to sell to any other municipality or to any person desiring to purchase the same, such surplus diphtheria antitoxin serum as they may have and which is not needed in the city in which such health board is located.

[Acts of 1902, ch. 225.]

1. *Removal of persons and property.*—The State Board of Health, any county board of health and any local board of health, or a majority thereof, shall have power to remove or cause to be removed from any hotel, boarding house, boarding school or other building of like character, tenement or apartment houses, to a proper place to be designated by such board, persons sick with any contagious, infectious or pestilential disease, and such boards shall also have power to remove, or cause to be removed to a proper place to be so designated, all things and articles within the jurisdiction of such boards, which, in their opinion, shall be infected with any matter likely to communicate disease to the inhabitants of any county or other municipality of this State, and said boards may destroy, or cause to be destroyed, such articles and things, when in their opinion the safety of the public health requires it; *provided, however*, that no person shall be removed under this act, except after examination and determination by two physicians in good standing and practice, that such person is sick with a contagious, infectious or pestilential disease; *provided, however*, that nothing herein contained shall be construed to authorize or permit the erection of any hospital by any municipality, or its board of health, or by any of its boards or agents, outside of its own boundaries, except under the restrictions and limitations now fixed by law.

2. *Delegate authority to medical inspector.*—The boards of health above mentioned may, by resolution, delegate the authority herein conferred to any medical inspector in the employ of such boards, and such authority when so conferred shall be exercised in the same manner, to the same extent, and with the same limitations as by the said boards of health.

3. *"Tenement" and "apartment" construed.*—For the purposes of this act, "tenement" or "apartment" house shall be construed to mean any building used as a dwelling by more than two families at the same time.

[Acts of 1902, ch. 130.]

1. *Mandamus to compel action by local board.*—Whenever, within the limits of the territorial jurisdiction of any local board of health of this State, there shall be any person or persons suffering from any contagious, infectious or communicable disease, it shall be lawful for the State Board of Health, if they shall deem it necessary or prudent so to do, to cause a notice in writing, signed by the secretary of said board, to be sent to such local board requiring it to take such action for the restriction of the spread of such contagious, infectious or communicable disease, within such time as the said State board by said notice may specify, and if such action shall not be taken by such local board within the time specified in such notice, then it shall be lawful for the State board to apply to the Supreme Court for a writ of mandamus to compel such local board to take such action.

[Acts of 1903, ch. 62.]

1. *Subjecting persons to certain diseases a misdemeanor.*—Any person having reason to believe that he is affected with smallpox, diphtheria, scarlet fever, typhus fever, yellow fever, cholera or plague, who shall appear in any public street, conveyance, building or place, and any person who shall knowingly subject another, without the latter's knowledge, to exposure to the infection of any such disease, shall be guilty of a misdemeanor; *provided*, that nothing in this section contained shall be understood to prevent the transportation or care of any person infected with any such disease by any board of health or its duly authorized officers or agents.

2. *Infected room must be disinfected before occupancy.*—Any person knowing that any room is or has been occupied by any person suffering with smallpox, diphtheria, scarlet fever, typhus fever, yellow fever, cholera or plague, or knowing that any room is or has been infected by any such disease, who shall lease the same or grant or give the right of occupancy thereof to any person or persons before it shall have been disinfected and cleansed in a manner satisfactory to the local board of health within whose territorial jurisdiction such room may be, shall be guilty of a misdemeanor.

[General Statutes, p. 1675.]

1. *Special expenditures in time of epidemic.*—Whenever there shall be presented to the board of chosen freeholders of any county of this State, which has a county board of health, a certificate signed by the surgeon-general of the State, the president or secretary of the State Board of Health, the president of the board of health of said county, the county physician (where there is such an officer) and the director of such board of freeholders, certifying that any contagious or infectious disease is prevailing or epidemic, or likely to become so in said county, it shall thereupon be lawful for such board to authorize, by resolution, the expenditure of such sum of money as to said board shall seem necessary for the purpose of guarding against and preventing the spread of such disease; and that notwithstanding there may be no appropriation then available for such purpose, or the sum authorized may be in excess of any such appropriation, or in excess of any limit of expenditure for the current fiscal year theretofore fixed by said board or by any law of this State; said board may also from time to time as the exigency of the case shall require, authorize further expenditure for the purpose aforesaid.

2. *Board of health to make expenditures.*—Said sum or sums, the expenditure of which shall be so authorized, shall be expended under the direction of the board of health of said county where such board exists.

3. Whenever there shall be presented to the board or body having charge of the financial affairs of any city, borough, village, town or township of any county which has a county board of health, a certificate signed by the surgeon-general of the State, the president of the county board of health, the president or other head officer of the local board of health (if any such board exists), the local health officer (if any such there be), and the mayor or other chief magistrate of the municipality, certifying that any contagious or infectious disease is prevailing or epidemic or likely to become so in such city, borough, village, town or township, it shall thereupon be lawful for such board or body having charge of such financial affairs to authorize, by resolution, the expenditure of such sums of money as to said board or body shall seem necessary for the purpose of guarding against and preventing the spread of such disease; and that notwithstanding there may be no appropriation then available for such purpose, or the sum authorized may be in excess of any such appropriation or in excess of any limit of expenditure for the current fiscal year theretofore fixed by said board or body, or by any law of this State; said board or body may also from time to time as the exigency of the case shall require, authorize further expenditure for the purpose aforesaid.

4. Said sum or sums, the expenditure of which shall be so authorized, shall be expended under the direction of the local board of health (if there be such a board), and if not, then under the direction of the board or body authorizing such expenditure.

5. (As amended by ch. 267, acts of 1902.) *How expenditure provided for.*—For the purposes of this act, the board or body authorizing such expenditure may bind the credit of the county, city, borough, village, town or township, as the case may be, and may borrow money, if required, on temporary loan in a sum sufficient to pay the debts so contracted, and moneys borrowed and expended for the purposes aforesaid shall be included in the next annual tax levy thereafter made; or, in case it shall appear to the said body or board authorizing such expenditure that the sum of money so expended for the purpose aforesaid is too large to be conveniently included in a single tax levy in connection with other amounts required by law to be included in annual tax levies, then it shall be lawful for such board or body to raise the amount so expended, either in whole or in part, by the issue of bonds to be made and issued by said body or board so authorizing such expenditure, under the corporate seal of said board or body, to be signed by the mayor or other presiding officer of the county, city, borough, village, town or township, as the case may be, and to be attested by the clerk thereof; said bonds shall be in such denominations and for such amounts as the said board or body directing the issuing of the same shall direct, and shall bear such rate of interest as may be agreed upon, not to exceed the legal rate of interest, and they shall be payable at such time or times as the said board or body may, by resolution, prescribe, and they shall not be liable to any tax that may be assessed or levied in the municipality in which they shall be issued or held; the interest thereon shall be payable semi-annually; *provided*, that such bonds shall not be issued in any case unless a majority of the whole number of the said board or body authorized to issue the same shall, by resolution, concur in the issuing of the same, and that no bonds shall be disposed of at less than the par value thereof; said bonds shall state on their face the resolution of the said board or body authorizing such expenditure and the issuing of said bonds; payment of the principal and interest of the said bonds shall be provided for by the levy and assessment of taxes in said municipality authorizing the issuing of the same in the manner other taxes are assessed and levied; in case such municipality or any board or department thereof shall have revenues from any source not required in any

year when such interest or principal sum shall become due and payable for the payment of obligations of the said municipality, then such revenues may, by order of the said board or body, be applied to the payment of the interest and principal of such bonds or so much and such parts thereof as may be due and payable; and the custodian of such revenues is hereby, upon receipt of a copy of such order, authorized to pay to the treasurer of such municipality, for the purpose of meeting such payments of interest and principal, such revenues aforesaid as shall be required for the said purpose and not required for the payment of other obligations of the said municipality.

6. If more money shall be raised than shall be expended for the purpose aforesaid, the excess shall be applied upon the bonded debt of the city, borough, village, town or township, as the case may be, or, if there be no bonded debt, then such excess shall be allowed for in fixing the appropriations for the next fiscal year and reduce the same accordingly.

[General Statutes, p. 1645.]

1. *Infected goods destroyed, how paid for.*—Whenever the State board or any local board of health, in order to prevent the spread of contagious disease, destroy, or order to be destroyed, personal effects or bedding, it shall be the duty of the said board to make, or cause to be made, an inventory of the said personal goods, and immediately thereafter to certify the value of said personal goods so destroyed to the State Treasurer, in case they have been destroyed by the State Board of Health, and to the municipal authorities in case of local boards, and it shall be the duty of the State Treasurer or municipal authority to pay over to the owner of said goods, or his or her legal representatives, the sum so certified.

1. *Police justice, etc., authorized to issue warrant.*—All police justices, recorders, justices of the peace and all other magistrates are hereby authorized on complaint founded on information and belief, supported by oath or affirmation of any officer or agent of the State Board of Health or of any local board of health that there is in any dwelling-house, store, stable or any building of any kind whatsoever any nuisance affecting health or any person sick of any contagious or infectious disease, or any condition of contagion or infection which may have been caused by anyone recently sick of any such disease in such dwelling-house, store, stable or any other building, to issue a warrant directed to the sheriff of the county within which such complaint shall be made, or to any constable, marshal, police officer or to any officer or agent of such board of health directing him, them or any of them to search in such dwelling-house, store, stable or other building for such nuisance affecting health; or for any person sick of any contagious or infectious disease, or for any condition of contagion or infection which may have been caused by anyone recently sick of any such disease in such dwelling-house or other place as aforesaid, and if such nuisance be found, to abate the same; and if such sick person be found, to deal with him according to law and the ordinances of such board of health; and if such condition of contagion or infection be found to exist, to destroy the same by means of proper disinfection.

2. *To whom return made.*—The officer to whom such search warrant shall be directed shall make return of his proceedings thereunder to the court or magistrate by which or whom such warrant may be issued.

3. *Who are directed to assist officers.*—The sheriff of the county and all constables, marshals and police officers of any county, city, borough or town, or such of them as shall be required, are hereby directed, if required by any

officer to whom such warrant may be directed, to be present and assist in the execution thereof.

1. *In case of contagion local boards to expend sufficient funds.*—Whenever an epidemic of any contagious or infectious disease exists or is threatened or any special need arises for the protection of the public health, and in the judgment of any local board of health, in any city, borough, town or other local municipal government, the expenditure of a greater sum than that already appropriated to said board for the current year is necessary the said board of health shall so certify to the common council or other governing body having control of the finances of such city, borough, town or other local municipal government, and thereupon such local municipal authorities may appropriate and pay to such board of health such sum or sums as such board of health may certify to be necessary, and if the funds at the disposal of such local municipal authorities are not sufficient to make such payment, such local municipal authorities may borrow such sum or sums on the credit of the municipality, and the said common council or other governing body may appropriate and pay to the said board of health the sum necessary for such additional expenditure.

[General Statutes, p. 1650.]

1. *Special appropriations.*—Whenever the regular annual appropriation in any city, made for purposes of public health, shall be found, on account of the prevalence of epidemic or contagious disease or diseases, to be inadequate for the carrying out and enforcement of proper measures to preserve and protect the public health, it shall be lawful for the board of aldermen or common council or other body charged by law with the appropriation of moneys for city purposes of such city, to authorize, by resolution, the appropriation and expenditure of such additional sum as shall be necessary for the purposes aforesaid; and in case there shall not be sufficient surplus money in the city treasury, not otherwise appropriated, to answer such additional expenditure, it shall be lawful for the authorities of the city to provide therefor by temporary loan or loans, and the amount of such loan or loans shall be incorporated in the next annual tax levy.

[General Statutes, p. 1651.]

1. *Fees, how disposed of.*—Any money collected by the health department of any city of this State for any permits issued by such department or any officer thereof, may hereafter be used by such department to prevent the spread of disease, the abatement of nuisances and for like sanitary purposes within such city; all such moneys shall, however, be accounted for at the end of each fiscal year in a detailed written statement to the board or department of such city having control of the finances thereof; and any unexpended balance on hand at that time, exceeding the sum of two hundred dollars, shall be paid over to the city treasurer or other like officer entrusted with the keeping or custody of the moneys and securities of such city.

[Acts of 1905, ch. 80.]

1. *Investigation of breeding places of mosquitoes.*—It shall be lawful for the mayor, or executive officer, or the board of health of any city, borough, incorporated town, village or the governing body or board of health of any township or county to make request in writing to the director of the Agricultural Experiment Station in this State, or to the person appointed by said director for the purposes of this act, to investigate, or cause to be investigated, the source of breeding places of mosquitoes which may or do infest said city, borough, incor-

porated town, village, township or county; and it shall be the duty of such director, or the person appointed by him, as soon as may be, after such application is made, to investigate, or cause to be investigated, the source or breeding places of such mosquitoes, and he shall as soon thereafter as possible, report to the officer or body making such application, the results of the investigation made, and also the measures that should be adopted to destroy such breeding places, or render them free from future mosquito breeding.

2. *Report.*—If such investigation shows that the sources or breeding places of the mosquitoes complained of are wholly within the jurisdiction of the city, borough, incorporated town, village, township or county from which the application is made, a report shall be made to the officer or body requesting the investigation, and if such request does not come from a board of health, a copy shall also be forwarded to the board of health of such applying city, borough, incorporated town, village, township or county, which report shall specify in such detail as is possible such breeding places as may be abolished by such board under the powers conferred upon it by the laws relating to such boards; if the investigation shows that the mosquitoes complained of breed wholly, or in part, at a point or points without the jurisdiction of the city, borough, incorporated town, village, township or county from which the application is made, a copy of the report showing this result shall also be sent to the board or boards of health in the jurisdiction or jurisdictions where such breeding places are found, or if there be no organized board of health in any such jurisdiction, then the copy shall be sent to mayor, or executive officer of said city, borough, incorporated town, village, or the governing body of such township or county; the copy of the report above provided for, when sent to any officer, board or governing body in any jurisdiction other than the one from which the request for the investigation originated, shall be accompanied by a statement giving the origin of the request, the reasons leading to the conclusion that the breeding places for mosquitoes lying within the jurisdiction to which the report is sent, are supplying specimens found in the neighboring jurisdiction, and submitting the measures that should be taken to abolish these breeding places.

3. *Appropriation to abate nuisance.*—Whenever an investigation made as aforesaid shall disclose the fact that the mosquitoes infesting the community and causing the nuisance complained of are those breeding on the salt marsh areas within the jurisdiction of any city, borough, incorporated town, village, township or county from which the application is made or adjacent thereto, and a copy of the report shall be sent to the board or boards of health of the municipality or municipalities in which the breeding places are situated, attaching statements specifying the localities affected by the marsh breeding areas, the extent of the dangerous area, the character of the work necessary to prevent further mosquito breeding and the probable cost of the work required in each municipality, it shall be lawful for the governing body of any municipality above mentioned, upon the written request of the board of health of said municipality, to appropriate, in the same manner as other appropriations are made, seventy-five per cent. of the sum required to complete the work aforesaid; whenever such appropriation is made and is available said board of health shall certify this fact to the director of the Agricultural Experiment Station, who may, out of the money appropriated by the State for this purpose, together with the appropriation of such municipality so certified as available, complete the work; *provided*, not more than five hundred dollars from said State aid appropriation shall be expended in any one municipality in any one year.

4. *Municipal assistance.*—Whenever it appears from the report made to any officer or body making application for an investigation, that the sources or

breeding places of the mosquitoes complained of are on the salt marshes, wholly or in part without the jurisdiction of the city, borough, incorporated town, village, township or county from which the application is made, it shall, nevertheless, be lawful for the governing body of any such municipality to appropriate in the same manner as other appropriations are made, such sum or sums as may be deemed necessary to assist the municipality in which the breeding places actually occur in securing the amount necessary to obtain the State aid conditioned in section three of this act; *provided*, that no matter how many municipalities contribute, the sum limited in section three shall not be exceeded in any one municipality.

5. *When funds available.*—All sums contributed or appropriated under authority of this act shall be paid to the treasurer of the municipality in which the work is to be done, and the funds shall not be deemed available until the entire amount contributed or appropriated shall be actually in the hands of such treasurer; payments shall be made by such treasurer in the same manner as other bills against the municipality are paid, but no bill for work done shall be paid unless it is accompanied by a certificate from the director of the Agricultural Experiment Station or the person designated by him to carry out the purposes of this act stating that the work is satisfactory and effective for the purpose intended.

[Acts of 1906, ch. 134.]

1. *Survey of salt marsh areas.*—It shall be the duty of the director of the State Experiment Station, by himself or through an executive officer to be appointed by him to carry out the provisions of this act, to survey or cause to be surveyed all the salt-marsh areas within the State, in such order as he may deem desirable, and to such extent as he may deem necessary, and he shall prepare or cause to be prepared a map of each section so surveyed, and shall indicate thereon all the mosquito-breeding places found on every such area, together with a memorandum of the method to be adopted in dealing with such mosquito-breeding places, and the probable cost of abolishing the same.

2. *Survey of fresh-water swamps.*—It shall be the further duty of said director, in the manner above described, to survey, at the request of the board of health of any city, town, township, borough or village within the State, to such extent as may be necessary, any fresh-water swamp or other territory suspected of breeding malarial or other mosquitoes, within the jurisdiction of such board, and he shall prepare a map of such suspected area, locating upon it such mosquito-breeding places as may be discovered, and shall report upon the same as hereinafter provided in section eight of this act. Requests as hereinbefore provided for in this section may be made by any board of health within the State, upon its own motion, and must be made upon the petition, in writing, of ten or more freeholders residing within the jurisdiction of any such board.

3. *Municipalities informed of breeding places.*—Whenever, in the course of a survey made as prescribed in section one of this act, it is found that within the limits of any city, town, township, borough or village there exist points or places where salt-marsh mosquitoes breed, it shall be the duty of the director aforesaid, through his executive officer, to notify, in writing, by personal service upon some officer or member thereof, the board of health within whose jurisdiction such breeding points or places occur, of the extent and location of such breeding places, and such notice shall be accompanied by a copy of the map prepared as prescribed in section one, and of the memorandut stating the character of the work to be done and its probable cost, also therein provided for. It shall thereupon become the duty of the said board, within twenty days from

the time at which notice is served as aforesaid, to investigate the ownership, so far as ascertainable, of the territory on which the breeding places occur, and to notify the owner or owners of such lands, if they can be found or ascertained, in such manner as other notices of such boards are served, of the facts set out in the communication from the director, and of the further fact that, under chapter sixty-eight of the laws of one thousand eight hundred and eighty-seven, as amended in chapter one hundred and nineteen of the laws of one thousand nine hundred and four, any water in which mosquito larvæ breed is a nuisance and subject to abatement as such. Said notice shall further contain an order that the nuisance, consisting of mosquito-breeding pools, be abated within a period to be stated, and which shall not be more than sixty days from the date of said notice, failing which the board would proceed to abate, in accordance with the act and its amendments above cited.

4. *If owner fails to comply, board of health to act.*—In case any owner of salt-marsh lands on which mosquito-breeding places occur and upon whom notice has been served as above set out, fails or neglects to comply with the order of the board within the time limited therein, it shall be the duty of said board to proceed to abate under the powers given in sections thirteen and fourteen of the act and its amendments cited in the preceding section, or, in case this is deemed inexpedient, it shall certify to the common council or other governing body of the city, town, township, borough or village the facts that such an order has been made and that it has not been complied with, and it shall request such council or other governing body to provide the money necessary to enable the board to abate such nuisance in the manner provided by law. It shall thereupon become the duty of such governing body to act upon such certificate at its next meeting and to consider the appropriation of the money necessary to abate the nuisance so certified. If it be decided that the municipality has no money available for such purpose, such decision shall be transmitted to the board of health making the certificate, which said board shall thereupon communicate such decision forthwith to the director of the Agricultural Experiment Station or his executive officer.

5. *Certain amount may be set aside.*—If, in the judgment of the director aforesaid, public interests will be served thereby, he may set aside out of the moneys appropriated by this act such an amount as may be necessary to abate the nuisance found existing and to abolish the mosquito-breeding places found in the municipality which has declared itself without funds available as prescribed in the preceding section. Notice that such amount has been set aside as above described shall be given to the board of health within whose jurisdiction such mosquito-breeding places are situated, and said board shall thereupon appoint some person designated by said director or his executive officer a special inspector of said board for the sole purpose of acting in its behalf in abating the nuisance found to be existing, and all acts and work done to abate such nuisances and to abolish such breeding places shall be done in the name of and on behalf of such board of health.

6. *Municipalities may assist.*—If in the proceeding taken under section four of this act the common council or other governing body of any municipality appropriate to the extent of fifty per centum or more of the money required to abate the nuisance and to abolish the mosquito-breeding places within its jurisdiction, it shall become the duty of said director of the Agricultural Experiment Station to set aside out of the moneys herein appropriated such sum as may be necessary to complete the work, and in all cases preference shall be given, in the assignment of moneys herein appropriated, to those municipalities that contribute to the work and in the order of the percentage which they

contribute; those contributing the highest percentage to be in all cases preferred in order.

7. *How work done.*—In all cases where a municipality contributes fifty per centum or more of the estimated cost of abolishing the breeding places for salt-marsh mosquitoes within its jurisdiction, the work may be done by the municipality as other work is done under its direction, and the amount set aside as provided in section six may be paid to the treasurer or other disbursing officer of such municipality for use in completing the work; but no payment shall be made to such treasurer or other disbursing officer until the amount appropriated by the municipality has been actually expended, nor until a certificate has been filed by the director or his executive officer stating that the work already done is satisfactory and sufficient to obtain the desired result, and that the arrangements made for its completion are proper and can be carried out for the sum awarded.

8. *Specie of mosquitoes shown.*—In all investigations made under section two of this act the report to be made to the board of health requesting the survey shall state what mosquitoes were found in the territory complained of, whether they are local breeders or migrants from other points, and, in the case of migrants, their probable source, whether the territory in question is dangerous or a nuisance because of mosquito breeding, the character of the work necessary to abate such nuisance and abolish the breeding places, and the probable cost of the work. Said board of health must then proceed to abolish the breeding places found under the general powers of such boards, but if it shall appear that the necessary cost of the work shall equal or exceed the value of the land without increasing its taxable value, such board may apply to the director aforesaid, who may, if he deems the matter of sufficient public interest, contribute to the cost of the necessary work, provided that not more than fifty per centum of the amount shall be contributed in any case, and not more than five hundred dollars in any one municipality.

9. *Payments, how made.*—All moneys contributed or set aside out of the amount appropriated in this act by the director of the Agricultural Experiment Station in accordance with its provisions shall be paid out by the Comptroller of the State upon the certificate of said director that all the conditions and requirements of this act have been complied with, and in the case provided for in section five payments shall be made to the contractor upon a statement by the person in charge of the work, as therein prescribed, attested by said director, showing the amount due and that the work has been completed in accordance with the specifications of his contract.

10. *Appropriation.*—For the purpose of carrying into effect the provisions of this act, the said director of the State Agricultural Experiment Station shall have power to expend such amount of money, annually, as may be appropriated by the Legislature; *provided*, that the aggregate sum appropriated for the purposes of this act shall not exceed three hundred and fifty thousand dollars. The Comptroller of the State shall draw his warrant in payment of all bills approved by the director of the State Experiment Station, and the Treasurer of the State shall pay all warrants so drawn to the extent of the amount appropriated by the Legislature.

[Acts of 1912, ch. 104.]

1. *Mosquito extermination commissions.*—In any county of this State it shall be the duty of the justice of the supreme court presiding over the courts of said county to appoint six persons, three of whom must be persons who are or have been members or employees of boards of health, a board of commissioners to be known as "The ——— County Mosquito Extermination Commission," inserting

the name of the county in and for which the commissioners are appointed. The commissioners first appointed under the provisions of this act in any county shall hold office, respectively, for the term of one, two, and three years, as indicated and fixed in the order of appointment, and all such commissioners, after the first appointment, shall be so appointed for the full term of three years; vacancies in the said commission occurring by resignation or otherwise shall be filled by such justice, and the persons appointed to fill such vacancies shall be appointed for the unexpired term only; such persons so appointed, when duly qualified, constituting such commission, and their successors, are hereby created a body politic, with power to sue and be sued, to use a common seal, and make by-laws; the members of any such commission shall serve without compensation, except that the necessary expenses of each commissioner for actual attendance on meetings of said commission shall be allowed and paid. No persons employed by the said commission shall be a member thereof. Before entering upon the duties of his office each commissoner shall take and subscribe an oath or affirmation before the clerk of the county in and for which he is appointed to faithfully and impartially perform the duties of his office, which oath or affirmation shall be filed with the clerk of the county wherein the commission of which he is a member is appointed; every such commission shall annually choose from among its members a president and treasurer, and appoint a clerk or secretary and such other officers and employees as it may deem necessary to carry out the purpose of this act; it may also determine the duties and compensation of such employees, and make all rules and regulations respecting the same. It shall be the duty of the board of chosen freeholders in each county to to provide such commission with a suitable office where its maps, plans, documents, records, and accounts shall be kept, subject to public inspection at such times and under such reasonable regulations as the commission may determine.

2. *Cooperation with State experiment station.*—The director of the State experiment station shall be a member ex officio of each commission and shall cooperate with them for the effective carrying out of their plans and work. The said director shall serve without compensation, except that the necessary expenses actually incurred by him in the attendance on meetings of said commissions shall be allowed and paid. He shall furnish the said commissions with such surveys, maps, informaion, and advice as they may require for the prosecution of their work, or, as in his opinion, will be of advantage in connection therewith.

3. *Elimination of breeding places.*—Every such commission shall have the power to eliminate all breeding places of mosquitoes within the county wherein it is appointed, and to do and perform all acts and to carry out all plans which in their opinion and judgment may be necessary or proper for the elimination of breeding places of mosquitoes, or which will tend to exterminate mosquitoes within said county.

4. Said commission shall, on or before the 1st day of April in each and every year, file with the director of the State experiment station a detailed estimate of the moneys required for the ensuing year, and a plan of the work to be done and the methods to be employed. The said director shall have the power to approve, modify, or alter the said estimates, plans, and methods, and the estimate, plan, and method finally approved by him shall be by him forwarded to the board of chosen freeholders in each county on or before the 1st day of May following its receipt.

5. *Appropriation.*—It shall be the duty of the board of chosen freeholders of each county, or other body having control of the finances thereof, to include the amount of money approved by the director of the State experiment station annually in the tax leby: *Provided, however*, That in no year shall the amount

so raised exceed the amount hereinafter specified, to wit, in counties where the assessed valuations are not more than $25,000,000, a sum not greater than 1 mill on every dollar of assessed valuations; in counties where the assessed valuations are not more than $50,000,000 a sum not more than one-half of 1 mill on every dollar of assessed valuations; in counties in which the assessed valuations are in excess of $50,000,000 a sum not more than one-quarter of 1 mill on every dollar of assessed valuations.

6. The moneys so raised, or so much thereof as may be required, shall be paid from time to time to the said mosquito commission on the requisition of said commission, duly signed and approved by the president and secretary thereof.

7. *Report.*—It shall be the duty of each commission annually, on or before the 1st day of November in each year, to submit to the director of the State experiment station and to the board of chosen freeholders in their respective counties a report setting forth the amount of moneys expended during the previous year, the methods employed, the work accomplished, and any other information which in their judgment may seem pertinent.

8. Nothing in this act shall be construed to alter, amend, modify, or repeal the provisions of chapter 134 of the laws of 1906, or alter, amend, modify, or repeal any act now existing conferring upon State or local boards of health any powers or duties in connection with the extermination of mosquitoes in said State, but shall be construed to be supplementary thereto.

[Acts of 1902, ch. 16.[

SECTION 1. *Epidemic in prison.*—Whenever and as often as any prisoner or prisoners confined in the state prison is or are suffering from any contagious or infectious disease of a dangerous character, it shall be the duty of the keeper of the state prison, upon being certified, in writing, by the principal medical officer of said state prison that such prisoner or prisoners, while so suffering from such disease, is or are likely to infect others, to refuse to receive any additional prisoner or prisoners into his or their custody until the medical officer of the state prison shall have certified that all danger of infection has been passed.

[Acts of 1902, ch. 81.]

SECTION 1. *Removal of prisoners.*—Whenever any prisoner serving a term in the state prison of this state shall be found to be suffering from smallpox, or other disease of a dangerously infectious character, so that in the opinion of the prison physician his continuance in the prison will be likely to cause a serious and dangerous epidemic among the other inmates thereof, it shall be the duty of said physician to certify the facts, together with his opinion, to the keeper of the prison, who shall thereupon make application to a justice of the supreme court for the temporary removal of such prisoner from the prison, and the said justice may order that the said prisoner be removed to a place where he can be safely isolated and receive proper care and medical attendance during his illness, and that upon his recovery, if his term of imprisonment shall not have expired, he shall be returned to the state prison to serve out the remainder of his term; and the said prisoner shall be returned to the state prison by the keeper thereof when the prison physician shall certify to him that the prisoner is fully recovered and that in his opinion the danger of infection is past; * * *

[General Statutes, p. 1671.]

1. *Governor to issue proclamation, prohibiting communication with vessels.*—It shall and may be lawful for the Governor of the State, for the time being,

upon application to him made by the executive or other competent authority, in the states of Pennsylvania or New York, of any vessel infected with a malignant disease, and performing quarantine under the laws of the said states of Pennsylvania or New York, being then in the rivers Delaware or Hudson, or the waters adjacent to the city of New York, to issue his proclamation forewarning all citizens of this State from entering on board of or having any communication with such infected vessel; and if any person or persons shall, after the publication of the said proclamation, and in contravention thereof, enter on board of any such vessel so as aforesaid described in the said proclamation, or be in any way concerned in bringing to the shores of the State any goods, merchandise, bedding or clothing, he, she or they, for every such offense, shall, on conviction thereof, in due course of law, be fined in any sum not exceeding three hundred dollars, at the discretion of the court before whom such conviction shall be had.

[Acts of 1900, ch. 69.]

1. *Introduction of infection by vessels.*—No vessel infected with any communicable disease, and no vessel on board of which there may be any person, baggage, merchandise or materials infected with any communicable disease, shall be brought to any wharf in the State of New Jersey, and no person, baggage, merchandise or materials being so infected, or being on any vessel so infected, shall land or be landed at any place in this State, until a permit therefor shall have been granted in the manner required by the local board of health of the sanitary district within which it may be intended to bring such vessel to wharf. or within which it may be intended to land therefrom any such person, baggage, merchandise or materials; such permit shall not be granted until after such vessel, and the persons, baggage, merchandise and other materials thereon, shall have been examined, cleansed, ventilated and purified, and such quarantine period shall have been observed, as the regulations or special order or orders of the Board of Health of the State of New Jersey may require, which regulations and special orders said State board is hereby authorized to make and prescribe; any master or commander of any vessel who shall violate any of the provisions of this section, and every person who shall violate any of said provisions or aid in the violation thereof, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding three thousand dollars, or by imprisonment not exceeding the term of one year, or both, in the discretion of the court before whom the conviction may be had; *provided, however*, that this section shall not apply to any vessel, or any person, baggage, merchandise or materials on board of any vessel, whose master or commander shall obtain a permit to land persons, baggage, merchandise and other materials, from any local board of health in this State under the provisions of the second section of this act, nor to any vessel, or any person, baggage, merchandise or materials on board of any vessel, coming into any port or place in the State of New Jersey where a health officer appointed by the Board of Health of the State of New Jersey under the provisions of the third section of this act may then be holding office.

2. *Quarantine permit must be deposited.*—No vessel coming from any foreign or domestic port, which shall pass any quarantine station, located at City Island or elsewhere in Long Island sound, or at Fort Wadsworth or elsewhere in New York bay, whose master or commander shall have obtained a written permit from the proper officer at any of said quarantine stations to proceed with his vessel to any place in the State of New Jersey, shall be brought to any wharf in this State, and no passenger, baggage, merchandise or other ma-

terials on board of any such vessel shall land or be landed at any place in this State, until such master or commander shall have deposited such permit at the office of the local board of health of the place of destination named in the permit, which deposit shall be made within twenty-four hours after receiving such permit, nor until said master or commander shall have received a permit to land said passengers, crew, baggage, merchandise and other materials, which permit shall be granted in the manner required by said local board of health; if said local board, or the officer acting for it, shall have no reason to believe that said vessel, or any of the persons, baggage, merchandise or materials thereon, is or are infected with any communicable disease, a permit to land said persons, baggage, merchandise and materials shall be granted forthwith upon the deposit of the permit issued by any quarantine officer as aforesaid, but if said local board, or the officer acting for it, shall have reason to believe that said vessel, or any person, baggage, merchandise or materials thereon, is or are infected with any communicable disease, then no permit to land shall be granted except subject to such regulations and special orders as may be prescribed or given by the Board of Health of the State of New Jersey; any master or commander of any vessel who shall violate any of the provisions of this section, and every person who shall violate any of said provisions or aid in the violation thereof, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding three thousand dollars, or by imprisonment not exceeding the term of one year, or both, in the discretion of the court before whom the conviction may be had; *provided, however,* that this section shall not apply to any vessel, or any person, baggage, merchandise or materials on board of any vessel, coming into any port or place in the State of New Jersey where a health officer appointed by the Board of Health of the State of New Jersey under the provisions of the third section of this act may then be holding office.

3. *Health office of port of Perth Amboy.*—The Governor of this State shall from time to time appoint a physician in good and regular standing as "health officer of the port of Perth Amboy," who shall hold office for the term of five years from the date of his appointment and have the powers, perform the duties and be entitled to demand and receive the fees in this act prescribed; and whenever, in any time of threatened epidemic or injury to the public health of this State, the board of health of this State shall consider that a health officer should be temporarily appointed for any other port or maritime place in this State, said State board may appoint a competent person as such health officer, who shall hold office during the pleasure of said State board, shall exercise all the powers conferred upon, and perform all the duties required of, local boards of health by the first and second sections of this act, shall wholly supersede the local board of health having jurisdiction of the place for which he may be appointed in the exercise of such powers and the performance of such duties, and shall be entitled to demand and receive the fees prescribed by this act; said State board shall also have the power from time to time to adopt, alter and amend regulations prescribing the manner and form in which local boards and health officers appointed as aforesaid shall exercise the powers conferred upon and perform the duties required of them by this act, to require from said local boards and health officers such reports from time to time as it may deem expedient, and to revoke, modify, supplement or supersede any order given or act done under the provisions of this act by any local board of health or health officer by such other order or orders as the said State board may deem the necessities of any particular case to require.

4. *Vessels coming from southern ports, etc.*—Every vessel which, between the first day of March and the first day of December in any year, or within any

other time in any year designated by resolution of the Board of Health of the State of New Jersey, shall come from any port in the United States south of Cape Henlopen, or from any West India, Bahama or Bermuda island port, or from any port or place where any communicable disease exists, into that portion of the waters of this State known as Raritan bay or Sandy Hook bay south of a straight line extending from Ward's point to the northerly extremity of Sandy Hook, and every vessel at any time coming into said waters on board of which any person shall have died while at any port in the United States south of Cape Henlopen or at any foreign port, or while between any such port and said Raritan bay or Sandy Hook bay, or on board of which there are contained any baggage, merchandise or materials by which any communicable disease may be introduced into this State, or on board of which the health officer of the port of Perth Amboy shall have reason to believe that any person or persons may be sick with any communicable disease, or on board of which such health officer shall have reason to believe there may be any baggage, merchandise or materials by which any communicable disease may be introduced into this State, shall come to anchor at some place designated by said health officer of the port of Perth Amboy, which anchorage place shall be southward of a straight line extending from the south ferry wharf in Perth Amboy to the house on Staten island formerly of Caleb Ward, as well as southward and eastward of a straight line extending from the said south ferry wharf to the most easterly wharf of South Amboy; and any master or commander who shall refuse, neglect or fail to bring to anchor at the place designated as aforesaid any such vessel as aforesaid, of which he may be master or commander, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding three thousand dollars, or by imprisonment for a term not exceeding one year, or both, in the discretion of the court before whom the conviction may be had.

5. *Duty and power of health officers.*—Whenever any vessel subject to the provisions of the next preceding section of this act shall arrive at any anchorage place designated as aforesaid, it shall be the duty of the health officer of the port of Perth Amboy and he shall have the power, subject to such regulations and special orders as the Board of Health of the State of New Jersey may from time to time make or prescribe, to visit said vessel and examine into the sanitary conditions thereof, and of all persons, baggage, merchandise and materials on board thereof; to order such vessel, and all baggage, merchandise and materials on board thereof, to be cleansed, ventilated and purified under his supervision and direction, and to that end to require such vessel to be unloaded; to order such vessel to be detained at quarantine for such period after the vessel, and the baggage, merchandise and materials on board thereof, shall have been so cleansed, ventilated and purified, as the regulations or any special instruction of the Board of Health of the State of New Jersey may require; to prescribe quarantine stations for vessels; to prohibit and prevent communication with infected vessels; to detain and isolate all infected persons; to grant permits to land passengers, crews, baggage, merchandise and other materials; to grant permits to discharge cargoes into lighters or otherwise; to release vessels from quarantine, and to give such other orders as he may deem necessary for the prevention of the introduction into this State of any communicable disease; it shall be the duty of the master or commander, or any other person in charge, of any vessel concerning which, or concerning the persons, baggage, merchandise or other materials on board of which, any such order may be given by said health officer, or by the Board of Health of the State of New Jersey, to cause the order to be forthwith obeyed; and any master or commander, or other person in charge of any such vessel, who shall refuse, neglect

or fail to perform such duty, and any master, commander or other person who shall violate any order or permit given as aforesaid, and every person who shall aid in any such violation, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding three thousand dollars, or by imprisonment for a term not exceeding one year, or both, in the discretion of the court before whom the conviction may be had.

6. *Fees allowed health officers.*—Every health officer appointed as aforesaid is hereby authorized to ask, demand and receive, from the master or commander of any vessel in respect of which any of the duties prescribed by this act shall be performed, the following fees: For examination of every vessel from a foreign port, five dollars; for examination of every vessel from any port in the United States south of Cape Henlopen, if a steamer, three dollars, and if other than a steamer, one dollar; for medical examination of every one hundred, or fraction of one hundred, steerage passengers upon transatlantic vessels, two dollars; for each permit granted for the landing of persons, baggage, merchandise and other materials, or discharging cargoes, and every release of a vessel from quarantine, twenty-five cents; for sanitary inspection of every vessel after the discharge of cargo or ballast, ten dollars; for disinfection of every vessel from an infected port, and of every vessel that shall require disinfection by reason of exposure to infection or contagion, fifty dollars; and for vaccination of persons on board of any vessel on which small-pox has developed during the voyage, each twenty-five cents; each health officer appointed as aforesaid shall keep a record of all fees received by him under the provisions of this act, and if in any calendar year the total amount of fees so received by the health officer of the port of Perth Amboy shall be less than one thousand two hundred and fifty dollars, he shall, on presenting to the Board of Health of the State of New Jersey an itemized statement of the fees received by him for such year, duly verified by his affidavit, be entitled to receive out of the moneys appropriated to said board for payment to said health officer (if any such appropriation for such payment be made) a sum sufficient to raise his compensation for services during such year to the sum of one thousand dollars, and to pay to one deputy health officer of said port the sum of two hundred and fifty dollars.

7. *Deputies.*—The said health officer of the port of Perth Amboy is hereby authorized to appoint one or more deputies who, in the absence of such health officer, shall exercise the powers and perform the duties of the health officer; but before the appointment of any such deputy shall become effective, such appointment shall be approved by the secretary of the State Board of Health; every such deputy shall hold office during the pleasure of the health officer, subject, however, to the revocation of his appointment at any time by the State Board of Health or by its secretary; said health officer shall compensate every such deputy for his services out of the fees allowed by this act.

8. *Power of local board of health in certain instances.*—The local board of health of any place in this State, excepting the local board of health of any place for which a health officer may be holding office under the provisions of the third section of this act, shall have power, whenever in its judgment the protection of the public health requires such action, to order the master or commander of any vessel within its jurisdiction to remove such vessel to some quarantine station or other place of safety to be designated by said board, and to order all persons, baggage, merchandise and materials which have been landed from such vessel to be seized and returned to said vessel or taken to some other place of safety to be designated by said board; if such master or commander cannot be found, or if he shall refuse or neglect forthwith to obey

any such order, said local board may employ such assistance as may be necessary to effect such removal; and said master or commander shall not thereafter bring such vessel to any landing place within the limits of the jurisdiction of said local board, or land any person, baggage, merchandise or materials from such vessel at any place within said jurisdiction, until a permit therefor shall have been granted by said local board; any master or commander who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding three thousand dollars, or by imprisonment not exceeding the term of one year, or both, in the discretion of the court before whom the conviction may be had.

9. *Expenses and fees.*—All expenses incurred by, and all fees becoming due to any health officer or any local board of health, or any of their employes, for services rendered or duties performed under the provisions of this act, or under any regulations prescribed by the State Board of Health, shall be paid by the master, commander or owner of the vessel in relation to which such duties shall be performed or services rendered; and every health officer, local board of health and employe to whom any moneys shall be due on account of any such expenses or fees shall have a lien for the amount thereof, and for all costs of suit and such counsel fee for the plaintiff as the court in its discretion may allow, upon such vessel, its tackle, apparel and furniture, and if payment be not forthwith made on demand therefor, such lien may be enforced by a suit in admiralty, or other proper suit, in any court of competent jurisdiction.

[Acts of 1906, ch. 328.]

1. *Salary of health officers at Perth Amboy.*—The health officer of the port of Perth Amboy, in lieu of the fees prescribed by the act to which this act is a supplement, shall be paid yearly, by the Comptroller of the Treasury of the State of New Jersey, a salary of one thousand dollars. The deputy health officer of said port designated by said health officer shall be paid yearly a salary of two hundred and fifty dollars.

2. *Fees turned in to State.*—All fees collected by said health officer or deputy, under the provisions of the act to which this act is a supplement, shall be paid monthly by said health officer to the Treasurer of this State, together with a full account of all such fees collected during the preceding calendar month.

[General Statutes, p. 1651.]

SEC. 4. *Powers, county board of health.*—Said board (county board of health)[1] may and shall have power * * * to pass, alter, amend or repeal ordinances in relation to the public health and the keeping of a registry of vital facts or statistics in said county, and in so doing—

III. To prevent the spread of any dangerous epidemic or contagious diseases in said county or any part thereof, and to declare when the same has become epidemic.

[General Statutes, p. 1655.]

SEC. 3. *Quarantine powers.*—Any such board (county board of health) shall have power to remove, or cause to be removed, to a proper place, to be by them designated, persons sick with any contagious, pestilential or infectious disease, and said board shall also have power to remove, or cause to be removed, to a proper place, to be by them designated, all things within the county which, in their opinion, shall be infected with any matter likely to communicate disease

[1] Only county board of health in New Jersey is that of Hudson County.

to the inhabitants thereof, and said board may destroy such things, or cause them to be destroyed, when in their opinion the public safety requires it; and no person shall remove from any vessel, boat, house or place any person sick with any disease mentioned in this section without a permit from such board or a member of it.

SEC. 4. The place or places to which removals may be made, as provided in the preceding section of this act, shall be provided by the board of chosen freeholders of every such county, and said board shall also provide ambulances or other proper means for making said removals.

SEC. 5. Such county board of health may cause any street, avenue, alley or other passage or place whatever to be fenced up or otherwise inclosed if they shall think the public safety requires it, and may forbid and prevent communication with any place infected with any contagious, infectious or pestilential disease except by means of physicians, nurses or messengers carrying necessary advice, medicines and provisions to the afflicted, and said board may put or place, or cause to be put or placed, on or near any place infected with any contagious, infectious or pestilential disease, or with a nuisance dangerous to health, placards or notices to indicate to and warn people of the existence of any such disease; and said board may also, by ordinance, prescribe penalties for any infraction or violation of this section, provided such penalties shall not exceed the penalties provided for in the seventh section of the act to which this is a supplement, and the same may be enforced and recovered in the manner provided for the enforcement and recovery of the penalties mentioned in said section.

SEC. 6. Any such board of health may, by resolution, delegate any portion of its powers to any member of the board, or to any officer thereof, to be exercised only when the board is not in session; any exercise of such powers shall be reported to the board at its next meeting thereafter.

[Acts of 1900, ch. 132.]

1. *Hospital for contagious diseases.*—Whenever the board of health of any city of this State shall, by resolution, passed by the votes of a majority of the members thereof, declare that it is necessary to establish and maintain in and for such city a hospital which shall be devoted exclusively to the treatment and relief of persons suffering from contagious and infectious diseases, and setting forth the estimated cost thereof, a copy of the said resolution, certified under the hands of the president or chairman and secretary or clerk of such board or body, shall be forthwith transmitted to the common council, board of aldermen, or other board having charge and control of the finances of such city, and thereupon such financial board, by resolution, shall make an appropriation or appropriations as hereinafter mentioned; that is to say: in all cities having by the census last preceding the adoption of such resolution a population of not more than fifteen thousand, a sum not exceeding ten thousand dollars; in all cities having by such census a population exceeding fifteen thousand and not exceeding thirty thousand, a sum not exceeding the sum of twenty thousand dollars; in all cities having by such census a population exceeding thirty thousand and not exceeding one hundred thousand, a sum not exceeding the sum of fifty thousand dollars, and in all cities having by such census a population exceeding one hundred thousand, a sum not exceeding the sum of one hundred thousand dollars, nor shall the minimum of such appropriations be less than one-fourth of the said amounts in each case respectively; for the purchase of lands, if required, and the erection and furnishing of a suitable building or buildings in and for such city by such board of health, and upon the adoption of such

resolution by such financial board, such board shall from time to time issue bonds in the corporate name of such city for the amount so appropriated, which bonds shall be of such denomination as such financial board shall determine, and shall be made payable in not less than twenty or more than thirty years; they shall bear interest at a rate not greater than four per centum per annum, which shall be payable semi-annually and may be registered or coupon bonds, or may be registered and coupon bonds combined, at the option of said financial board; they shall be sold at public or private sale, but not for less than par and accrued interest, and there shall be raised by tax in each year the interest on the whole amount of the bonds so issued, together with at least two per centum per annum of the principal of such bonds for a sinking fund, to be paid to the commissioners of the sinking fund of such city for the purpose of meeting the said bonds when they shall become due; there shall further be raised in each annual tax levy in any city for which such hospital is established an amount sufficient to provide for the support and maintenance of such hospital in that year; *provided, however*, that no city shall issue bonds under the provisions of this act where the amount of such bonds together with all other funded and floating indebtedness of such city then outstanding after deducting the available sinking funds thereof, shall exceed ten per centum of the valuation of the real and personal property of said city as assessed for municipal purposes for the year next prior to the incurring of such indebtedness.

2. *Bonds.*—No city shall issue under the provisions of this act bonds in any amount exceeding in the aggregate the sum above limited by the population thereof; and the proceeds of such bonds, including the premiums, if any, shall be used only for the purposes of such hospital.

3. *Site, plans, management.*—The selection of a site for the said hospital building, the making and the approval of plans for the same, and the control and management of the said building, shall be vested in the board of health of the city for which the same is erected; but the title to the property purchased for such hospital shall be taken in the corporate name of the city for which the same is purchased, and the erection of the said hospital shall be under the control and direction of the common council, board of aldermen or other board having charge and control of the finances of such city, and it shall be the duty of such financial board to pay, out of the money raised for that purpose, the cost of such hospital site, and the cost of the erection and furnishing of such hospital; the board of health of any such city may, with the concurrence of the common council, board of aldermen, or other board having charge or control of the finances of such city, select and use as a site for such hospital, any property owned by such city wherever situated, the selection of such site by such board of health, and the concurrence by the common council, board of aldermen, or other board having the control of the finances of such city, to be manifested by resolution; the said hospital shall be used and devoted exclusively to and for the treatment of persons in such city suffering from contagious or infectious diseases, whether such persons shall or may be poor and indigent persons, or those who may be able to pay for the medical care, attendance and treatment which they may receive in such hospital, and for the disinfecting of clothing, bedding or other materials in which the germs of disease may or shall exist; *provided, however*, that persons suffering from contagious or infectious diseases living out of such city and in the county in which the same is situated may be sent for and received for treatment in such hospital by the board of health of such city in its discretion; the said board shall make reasonable charges against all persons received into such hospital for treatment who may be able to pay the same, and where poor and indigent persons are received into such hospital for treatment, from the corporate authorities of any of the municipalities of

the county in which such city is situated, they shall be received and treated at the expense of such corporate authorities, who shall pay for such patients the same rates that are charged by such board of health against patients who are or may be able to pay for the treatment which they receive in such hospital; all sums received for patients treated in such hospital shall be used and applied for the maintenance and support of the same.

4. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall take effect immediately.

[Acts of 1902, ch. 166.]

1. *Hospital without city.*—In selecting a site for a hospital, to be erected under the provisions of the act to which this act is a supplement, the board of health of any city of this State may choose a site outside of the limits of the city within which it has jurisdiction; *provided, however*, that before any hospital building shall be erected on such site, the selection of the site, and the erection thereon of a hospital for the treatment and relief of persons suffering from contagious and infectious diseases, shall be consented to by the governing body of the township, city, borough or municipality within which the proposed site is located.

2. *Acquire lands.*—The common council, board of aldermen or other board having charge and control of the finances of such city, may acquire lands for such hospital purposes as aforesaid, by gift or purchase.

3. *Management.*—The board of health of every city which shall have selected a hospital site outside of the limits of the city within which such board has jurisdiction, shall have the same power over and control and management of the hospital and of the hospital buildings erected upon such site, as if the hospital were located within the limits of such city.

[Acts of 1902, ch. 120.]

1. *Municipality may join in maintaining hospital.*—It shall be lawful for any two or more municipalities in this State, without regard to their form of incorporation, to jointly provide for and cause to be established and maintained. a joint hospital or hospitals for the treatment of persons suffering from contagious or infectious diseases in the manner herein provided; and to that end the boards of health of any two or more municipalities in this State may unite and jointly cause to be established and maintained a hospital or hospitals which shall be devoted exclusively to the treatment and relief of persons suffering from contagious or infectious diseases within the limits of the municipalities in and for which said boards of health are established; *provided*, the provisions of this act shall have been adopted by the several municipalities by the passage of a resolution by a majority of the common council or other governing body of each such municipality, which resolution shall limit the cost of such hospital and of the land and equipment and furnishing therefor.

2. *May contract with other municipalities.*—It shall be lawful for the boards of health of any two or more of such municipalities adopting the provisions hereof to thereafter respectively authorize by a resolution duly passed by each of such boards of health, the making and entering into by and upon behalf of such boards of health, respectively, of a joint contract or contracts in writing (for which authority is hereby given) with such other board or boards of health of such other municipality or municipalities adopting the provisions hereof as may then or thereafter desire to unite for the joint establishment and maintenance, or either, of a hospital or hospitals for the relief of persons suffering from contagious or infectious diseases at the joint cost and expense of such

contracting or associated boards of health as may be provided and specified in said contract.

3. *Joint meetings of board of health.*—After the execution by two or more boards of health in this State of a contract pursuant to the provisions hereof, it shall be lawful for the respective boards of health of the municipalities so adopting the provisions hereof, and it shall be their duty to meet in joint meeting at such time and place as may be fixed, in writing, by a majority of the presiding officers of such boards of health; each of such boards of health shall be entitled to two representatives at the joint meetings, one of whom shall be the presiding officer of the boards of health, and the other (whose term shall be for two years) to be elected by the several boards of health respectively from among their own number, and the said representatives to have full power and authority to act in joint meeting for and on behalf of the boards of health which they represent for the carrying into effect of all the provisions of this act; and the representatives of such contracting boards of health shall meet at the time and place so to be designated as aforesaid and shall proceed at once to organize as a joint meeting by electing by ballot one of their number a permanent chairman of such joint meeting; and said joint meeting shall immediately after selecting a permanent chairman and at the same meeting, proceed to elect a secretary and a treasurer from among their own number, and at such meeting, or any subsequent meeting, shall have full power and authority to appoint, by a majority vote, such other servants and agents and fix their compensation as such joint meeting shall deem advisable; such joint meeting shall continue to exist during the establishment and maintenance of such hospital or hospitals and shall make rules for the government of themselves, and shall be entrusted with the establishment of such hospital or hospitals and the government thereof, and shall have full power and authority to make rules and regulations regarding the maintenance of such hospital or hospitals so to be established in conformity with the provisions hereof, and shall have full power and authority to make and enter into in the names and on behalf of the said contracting boards of health, a contract or contracts for the purchase, erection and construction of a hospital building or buildings, the purchase of necessary equipment and supplies therefor, the renting and leasing of lands and real estate and the acquiring by purchase or otherwise (as hereinafter stated), of such lands and real estate as they may deem necessary and proper for the site or sites for such hospital or hospitals, the title to said land and real estate so purchased or acquired, to be taken in the joint names of all the municipalities adopting the provisions hereof whose boards of health have entered into such joint contract.

4. *Acquiring property by condemnation.*—In case no agreement for securing by purchase or otherwise, the lands and real estate necessary for the site or sites for such hospital or hospitals can be made between such joint meeting and the owner or owners of such land and real estate, the said joint meeting shall certify the facts in writing together with a description of the lands and real estate which the said joint meeting deems necessary for the purpose of a site or sites as aforesaid to the common councils or other governing bodies of the several municipalities adopting the provisions hereof and whose boards of health have contracted as aforesaid, and it shall thereupon be the duty of such common councils or other governing bodies to take the necessary legal proceedings in the joint names of such municipalities, or a majority of them, for acquiring, by condemnation, the said lands and real estate, in the manner provided in a certain act entitled "An act to regulate the ascertainment and payment of compensation for property condemned or taken for public use [Revision of 1900]," approved March twentieth, one thousand nine hundred, and any supplements

thereto; and the title to said lands and real estate whether acquired by purchase or condemnation, shall be taken in the joint names of all of the municipalities whose boards of health have contracted as aforesaid, whether said condemnation proceedings shall have been taken in the joint names of all or a majority of said municipalities.

5. *Defraying expenses.*—For the purpose of defraying the cost and expense of the purchase of lands and real estate for such site or sites and the erection, construction and establishment of said hospital building or buildings, after the expense thereof shall have been ascertained by said joint meeting and certified to the respective governing bodies of such municipalities, it shall be the duty of such governing body to borrow money for defraying the expenses thereof, and secure the payment of the same by notes or other temporary obligations of such municipalities, which notes and obligations may be renewed from time to time until the work of such erection, construction and establishment of such hospital building or buildings be completed, whereupon after the entire cost and expense thereof and of the equipment and furnishing of such hospital building or buildings shall have been finally determined by such joint meeting and certified to said governing bodies, as aforesaid, it shall be the duty of each of such governing bodies, and they are hereby authorized and empowered to issue, in the name of each of such municipalites, bonds for its share of the expense of such erection, construction, establishment and equipment, the same to be issued for a term not exceeding thirty years, to bear interest at a rate not to exceed five per centum per annum, and to be signed by the mayor or acting mayor, or chairman, or president of the governing body or board, or chief officer of such municipality, and the clerk of the same, as may be directed, by resolution of such governing body; and the proportion of the expense of the acquirement of such lands and real estate, and of the erection, construction, establishment and equipment of such hospital building or buildings shall be divided between the several municipalities establishing and maintaining such hospital according to the population of each at the next preceding national or state census, and shall thereafter be apportioned in like manner as each succeeding national or state census shall be made.

6. *Money raised by taxation.*—It shall be lawful for the governing body or board having control of the finances of each municipality as aforesaid, pursuant to the terms of this act, and they are hereby authorized and directed to raise by tax in each year, as other moneys are raised in such municipality, such sum of money as may be necessary to pay the principal and interest on the notes, bonds and temporary obligations issued as aforesaid, and in addition thereto, its share of the cost and expense of the maintenance of such hospital building or buildings, the latter to be certified to the said governing body by the said board of health thereof and the amount thereof to be fixed and determined in accordance with the provisions of the joint contract above referred to and to which said board of health shall be a party; the said moneys so to be raised to be in addition to any other moneys raised for health purposes in pursuance of any other statute.

7. *Site and plans.*—The selection of a site or sites for the said hospital building or buildings, the making and approval of plans for the same and the control and government of the said building or buildings and their surroundings, shall be vested in the said joint meeting and the said site or sites shall be within the limits of one or more of the municipalities whose board of health has entered into said joint contract, and no consent for the erection and use of such hospital building or buildings shall be required from any governing body other than the passage of the said resolution adopting the provisions of this act as hereinbefore provided; and it shall be lawful for any of such contracting boards of

health and the officers, agents and employes thereof and of the joint meeting, to use the streets of any intervening municipality in conveying patients to the said hospital building or buildings.

8. *Money to credit of board of health.*—All moneys raised by taxation or upon notes, temporary obligations or bonds, for the purpose of this act, shall be placed to the credit of the local board of health, and shall by said board of health be paid over to the treasurer of the joint meeting; all moneys expended by said joint meeting shall be so expended by a vote of a majority thereof, and shall be by order in writing under the hands of the president and treasurer; the treasurer of said joint meeting shall give bond to all of the contracting boards of health in their joint names, conditioned for the faithful performance of his duties as such treasurer in such sum as may be agreed upon in and by said joint contract.

9. *"Joint meeting" construed.*—The words, "joint meeting," as used in this act, shall be construed to mean the meeting or assembly of the representatives of the several boards of health having authority to make and enter into a contract for the establishment and maintenance of a joint hospital or hospitals for the treatment and relief of persons suffering from contagious and infectious diseases, pursuant to and by authority of the provisions of this act.

[Acts of 1902, ch. 192.]

1. *Maintain hospital with poor house.*—The board of trustees or any governing body having control of the maintenance and management of any poor house in this State, shall have the power to establish and maintain, in connection with any poor house in their charge and on the lands belonging to said poor house, an isolation hospital for the reception and treatment of persons suffering from any contagious or infectious diseases and to maintain the same for such purposes, and the said board of trustees is hereby authorized, upon the request of the local board of health of any municipality under its jurisdiction, to remove and transport any person suffering from any contagious or infectious disease, from such municipality, to its hospital, across, into or through the territory of any other municipality; and said board of trustees, or any governing body aforesaid, of any poor house, may have the power to appoint and employ such officers and employes as may be necessary to carry out the purposes of this act, and may provide for their compensation; *provided, however,* that nothing herein contained shall be construed to authorize or allow the erection of any hospital by any municipality or its board of health, or by any of its boards or agents, outside of its own boundaries or corporate limits, except under the restrictions and limitations now fixed by law.

2. *Appropriation.*—The board of trustees, or any governing body of any poor house in this State, shall appropriate such sums of money as may be necessary for the establishment of any pest house or hospital as mentioned in section one of this act, and shall annually, at the same time as the poor house appropriations are made, appropriate such sums of money as may be necessary for the proper maintenance of a pest house or hospital, and that the sums of money so appropriated shall be added to and made a part of the annual appropriations made by them for the maintenance of the poor house under their control and shall be assessed and collected in the same way and manner as the annual appropriations for any poor house aforesaid.

[General Statutes, p. 1693.]

1. *Erection of hospital.*—That the common council or other legislative body of any city of the second class, whenever it is by it deemed necessary, may pur-

chase land in said city and erect a building or buildings thereon to be used for a hospital for contagious diseases; the plan or plans for such building or buildings and specifications thereof shall, before the same are adopted, or the building or buildings erected, be approved by the mayor, the common council or other legislative body, and the board of health of such city; and for the purpose of obtaining means for erecting said building or buildings and for purchasing the necessary land, the said common council or other legislative body may issue and sell bonds of said city to an amount not exceeding twenty-five thousand dollars, said bonds to bear interest at a rate not exceeding five per centum per annum, and the principal to be paid within ten years and the proceeds applied for the purposes aforesaid.

2. *Board of health shall conduct hospital.*—That after the said building or buildings shall be completed, the same shall be in charge of and under the direction of the local board of health of said city, and for the purposes of conducting the same the board of health of said city shall annually certify to the common council or legislative body having power to pass the annual tax ordinance of such city the sum considered necessary to maintain the said hospital for the ensuing year, and the said common council or other board shall incorporate in the annual tax ordinance the above amount of what part of it may to them seem best, and the treasurer of said city shall pay such amount to the local board of health, to be by it used for the payment of the current expenses of maintaining and conducting such hospital and the care and maintenance of the patients confined therein; and the said common council or other legislative body may, whenever considered necessary by the local board of health, pay over to such board such additional sum or sums as shall be required to pay the current expenses of such hospital, such additional sum or sums to be borrowed and inserted in the next tax ordinance.

[General Statutes, p. 1694.]

1. *Committee may acquire lands and erect hospitals.*—Whenever the township committee of any township of this State shall deem it advisable to provide a hospital for persons having contagious diseases, and for other hospital purposes, it shall be lawful for any such township committee to acquire and hold lands in the corporate name of such township, whether such lands are situate in said township or out of it, for hospital purposes, and to erect and maintain thereon a hospital, and to pay for the same from any money or funds of such township not otherwise appropriated, or which may be available for the purpose, or to obtain temporary loans for the purpose and to provide for payment of such loans in the succeeding tax levy by taxes to be assessed and collected in the same manner as other taxes are assessed and collected for such township, and to convey such lands so acquired, or any portion thereof, when not needed for hospital purposes; but when such lands are situate out of the limits of any such township as acquires title to the lands, then before using such lands for hospital purposes for persons having contagious diseases, there shall be obtained the consent of either the board of health or township committee of the township within the limits of which such lands lie and such hospital is erected, that the same may be used for the purposes aforesaid; but the total expenditure for land and buildings for hospital purposes shall not exceed one-tenth of one per centum of the total sum of assessments for one year for the purpose of taxation in such townships, as shown by the duplicate or other records of assessments for the previous year.

2. *Two or more townships may unite.*—It shall be lawful for any two or more townships either with each other, or one or more townships with one or

more other municipal corporations, excepting cities, to jointly exercise all the power and authority given to separate townships in the first section of this act, and such townships are hereby authorized to make all necessary agreements for the purpose of so doing, and for doing all that any township is authorized to do separately by said first section of this act, including the power and authority to acquire and convey, as aforesaid, land inside or outside of the limits of any township.

3. *How control shall be exercised.*—Any hospital or hospitals which may be provided under the provisions of this act, shall be in charge and under the control of the township committee of the township which acquires land and provides hospital buildings, as aforesaid; but when two or more townships, or one or more townships with one or more other municipal corporations, jointly provide a hospital, as any township or townships are authorized to do in section two of this act, then such hospital shall be in charge and under control of the township committee of the two or more townships, or of the township committees of one or more townships exercised jointly with the municipal authorities of such municipal corporation or municipal corporations, as the case may be.

[General Statutes, p. 2257.]

1. *Unlawful to locate, etc., pest-house, etc., without consent.*—That it shall not be lawful for any person or corporation, or for any municipal corporation, to locate, erect, build or establish or maintain, either temporarily or permanently, any pest-house or hospital or building for the treatment of contagious diseases, or for the reception of persons suffering from any contagious or infectious disease, or any crematory or building or receptacle for the collection or treatment or disposal of garbage, house waste or other refuse matter, within any city, town, township, borough or other municipal corporation of this State, without first obtaining the consent thereto of the governing body of such city, town, township, borough or other municipal corporation within the territorial limits of which it is proposed to locate or maintain any such structure; which consent may be given by resolution and upon such terms and conditions as may be embraced in such resolution.

[Acts of 1903, ch. 155.]

1. *County hospitals for contagious diseases.*—It shall be lawful for the board of chosen freeholders of any county of this State, whenever in its judgment the public need requires it, to acquire land, by purchase, condemnation, gift or otherwise, anywhere in said county, and to erect thereon a suitable building or buildings to be used for a hospital for contagious or infectious diseases, and to furnish and maintain the same: *Provided, however*, That no such building shall be erected or located within less than two hundred and fifty feet of any public highway, or of any dwelling-house or other inhabited building.

2. *Bond issue.*—For the purpose of obtaining means for acquiring the necessary land and the erection thereon of such hospital building or buildings, and the furnishing thereof, it shall be lawful for the board of chosen freeholders of any such county to issue and sell the bonds of said county to an amount not exceeding one-tenth of one per centum of the ratables of said county; said bonds shall bear interest at a rate not exceeding four per centum per annum, and the principal thereof shall be payable at a time not exceeding forty years from their date, and such board of chosen freeholders shall establish a sinking fund, to be raised by taxation from year to year, sufficient to pay off and discharge said bonds at their maturity, and shall also include in the annual county tax levy a sum sufficient to pay the interest thereon.

3. *Managers—appointment, term, etc.*—When such hospital has been built, and is ready for occupancy, the director of the board of chosen freeholders of the county in which it is located shall, with the consent and approval of said board, appoint a board of managers of said hospital, which board shall consist of six members, residents of the said county, three of whom shall be selected from the members of the several boards of health in said county, and three shall be physicians; not more than three members of any such board shall belong to the same political party; two of the persons first appointed as herein provided shall be appointed to serve for three years, two shall be appointed to serve for two years, and two shall be appointed to serve for one year, from the date of their appointments; and thereafter the members of said board of managers appointed each year in the manner herein provided shall serve for the term of three years; the members of said board of managers shall serve without compensation; any vacancy in said board arising from any cause, except expiration of term of office, shall be filled in the manner herein provided for original appointments, for the unexpired term only; said board of managers shall have the control and government of such hospital, and the care and custody of such hospital building or buildings; it may appoint and remove at pleasure a superintendent or warden thereof, and such other officers or employees as it may deem necessary, and fix their compensation; it may adopt and establish suitable by-laws with respect to the terms of admission, support and discharge of patients, and such rules and regulations as it shall deem necessary for the proper conduct and government of said hospital.

4. *Removal of persons to hospital.*—The board of managers of any such hospital shall also have power, and it shall be its duty, through its employees, to send for and convey to it any person or persons anywhere in said county afflicted with any contagious or infectious disease, or showing pronounced symptoms thereof, whenever the disease is of such character, or the residential conditions surrounding the person afflicted therewith are such, that the removal of such person to the hospital is necessary to prevent contagion or infection, under such suitable regulations as it may prescribe, with the view to prevent the spread of disease.

5. *Use of hospital.*—Any hospital erected and maintained under this act shall be used and devoted exclusively for and to the care and treatment of all persons in the county in which it is located who are afflicted with contagious or infectious disease, whether such persons be indigent or able to pay for the medical care, attendance and treatment which they may receive therein; *provided, however*, the said board of managers may make reasonable charges for the care and treatment of all persons received into such hospital who may be able to pay for the same, and any moneys received therefor shall be expended under the direction of said board towards the support of said hospital.

6. *Expenses.*—All expenses and charges incurred in conducting and maintaining any such hospital, and in keeping the said building or buildings in repair, shall be paid by the county collector, from funds raised or to be raised, as far as necessary by taxation, as other county expenses are raised and paid.

[Acts of 1911, ch. 111.]

1. *Appropriation for county hospital.*—The board of chosen freeholders in any county of the first class within this state and in which there is or may hereafter be established by law a county board of health,[1] shall appropriate and set apart a sum not to exceed six thousand dollars annually for the construction, maintenance and repair of a public hospital for such county, for the treatment of cases of a contagious nature other than small-pox.

[1] Only county board of health in New Jersey is that of Hudson County.

2. It shall and may be lawful for such board of chosen freeholders to render annually to such county board of health the said sum not to exceed six thousand dollars, to be by said board of health expended for the purposes aforesaid.

NEW MEXICO.

[Acts of 1903, ch. 103.]

SEC. 2. *Regulations, state board of health.*—The board of health shall make such regulations respecting * * * causes of sickness applicable to any county, city, town, or village, in the territory, or any part of such county, city, town, or village, as the peculiar conditions in such county, city, town, or village may in the judgment of said board of health at any time require.

SEC. 3. *Railways, etc.*—Said board may also make such regulations as the public health may require, in their judgment, for railway cars and trains of cars, being operated from place to place within the Territory: *Provided, however,* That regulations applicable to cars or trains of cars shall in no wise conflict with the laws and Constitution of the United States; and the enactment of such regulations so in conflict, shall not be held to make such regulations not so in conflict void.

SEC. 4. *Regulations, etc.*—The said board of health shall also make such regulations as they may deem necessary for the public health and safety respecting any articles of personal property or real estate, which may be capable of containing, conveying, or communicating any infection or contagion or of creating any sickness. This section shall extend to and include all such articles of personal property as may be brought into or conveyed from any part of the Territory to any other part of the Territory and to all such articles as may be brought into the Territory from without the Territory.

SEC. 5. *Investigations, etc.*—The board of health shall examine into all * * * causes of sickness, that may in their opinion be injurious to the health of the inhabitants of the Territory or of any county, city, town, or village in the Territory or any part of the Territory or of any part of any county, town, city, or village of the Territory. This section shall extend to and include the examination of such nuisances, sources of filth, or causes of sickness as may be found in any railway car or train of cars, and the board may make specific regulations for the control and abatement of the same.

SEC. 6. *Removal.*—Whenever such * * * cause of sickness shall be found on private property, the board of health shall order the owner or occupant or the person or persons that have caused or committed such nuisance, at his own expense, to remove the same within 24 hours, and in default thereof he, she, or they shall forfeit the sum of not less than $25 nor to exceed $100. Each 24 hours' failure to obey such order, after the first, shall constitute a separate offense.

SEC. 10. *Removal to hospital.*—When any person coming from abroad, or residing within any county of this territory shall lately before have been infected with small-pox, bubonic plague, diphtheria, or other sickness, dangerous to the public health, the board shall make effectual provisions, in the manner which they shall judge best, for the safety of the public health, by removing such sick or infected person to a separate house, and providing for the keeping of such person or persons there, until danger of contagion is past: *Provided, however,* that unless such person is indigent the expense of enforcing this section shall be borne by the infected person or persons so isolated.

SEC. 11. *Quarantine guards.*—If any such infected person can not be removed without danger to his health, the board of health shall cause provision for such person to be made as provided in the next preceding section, in the house

in which he may be, and in such case they may cause the persons in the neighborhood to be removed, and may take such other measures in respect to the same as they may deem necessary for the safety of the public and the community in which such infected person may be found.

SEC. 12. *Quarantine in residence.*—If any such infected person cannot be removed without danger to his health, the board of health shall make such provisions for him as directed in the next preceding section, in the house in which he may be, and in such case they may cause the persons in the house or the persons in the neighborhood to be removed, and may take such other measures in respect to the same as they may deem necessary for the safety of the inhabitants.

SEC. 13. *Quarantine at points of entry.*—The board of health may appoint suitable persons to attend any places by which travelers may pass into the territory or from one county in the territory to another county in the territory, or from any part of a county into any part of the same county, from infected places or districts in other states or territories, or in other counties, or in an infected part of a county. The persons so appointed may examine such passengers and travelers as they may have reason to suspect of bringing with them any infection which may be dangerous to the public health, and if need be restrain them from traveling until licensed thereto by the board of health, and any person coming from such infected place or district who shall without license, as aforesaid, travel in violation of the requirements of said board of health, unless it be to travel in the most direct way to the place from whence he, she, or they may have come, after he, she, or they shall have been notified of the requirements of the said board, shall forfeit a sum of not less than $25 nor to exceed $100 or may be imprisoned not to exceed thirty days.

SEC. 14. *Warrants.*—Any justice of the peace or judge of the district court, having jurisdiction in the county in which any person infected with a contagious or infectious disease may be found, may upon proper complaint being made by any member of the board of health, or any duly authorized agent or officer of said board, stating the facts under oath, so far as he has knowledge of them, and that he believes the facts stated, if upon information and belief, are true, may issue a warrant under his hand directed to the sheriff or any constable of his county, requesting such sheriff or constable under direction of said board of health, or its duly authorized officer or agent to remove any person infected with contagious or infectious disease, and to take possession of convenient houses or lodgings and to produce other necessaries for the accommodation, safety and relief of such person.

SEC. 15. *Infected baggage.*—Whenever on application of the board of health, or any of its duly authorized officers or agents, it shall be made to appear to any justice of the peace or district judge, in any county in which such justice of the peace or district judge has jurisdiction, that there is just cause to suspect that any baggage, clothing, or goods of any kind, found within the county, are infected with any disease which may be dangerous to the public health, such justice of the peace or district judge shall by warrant under his hand directed to the sheriff or any constable of the county require him to take with him as many men as may be deemed necessary to secure such baggage, clothing, or other goods, and to post such men as guards over the house or place where such baggage, clothing, or other goods shall be, and said guards shall see to it that no person comes near to, or removes such baggage, clothing, or other goods until permitted so to do by the order of the said board of health. Such warrant shall also if it appear to be necessary require the officer to whom the same is directed, under the direction of the said board of health, to impress,

rent, or otherwise procure convenient houses or stores for the safe-keeping of such baggage, clothing, or other goods, and the board of health may cause them to be removed to such houses or stores or to otherwise be detained until they shall in the opinion of the board of health be freed from infection.

SEC. 16. *Travelers to be notified of infected places.*—When small-pox or any other disease dangerous to the public health is found to exist in any county in this territory, the board of health shall use all possible care to qaurantine and prevent the spreading of such infectious disease and shall give notice of infected places to travelers by such means as in their judgment shall be most effectual to the common safety.

SEC. 17. *Quarantine against infected localities.*—Whenever complaint under oath to said board of health shall be made, showing reasonable ground to believe that a contagious or infectious disease exists in any precinct or precincts, county or counties, in this Territory, and the necessity of speedy action to prevent the spreading of the same, it shall be the duty of the said board of health to cause the same to be investigated, and if in their judgment the public health and safety requires it, to cause the said disease and the precinct, precincts, county or counties, in which the same is prevalent to be quarantined under the provisions of this act.

SEC. 18. *Investigations.*—Whenever such statement, as is mentioned in the last preceding section, shall be filed with the president of the said board of health, showing reasonable grounds to believe that a contagious disease exists within any county in the Territory, to such extent as to imperil the public health and safety, or that there is imminent danger of such disease being introduced therein from surrounding territory, the said president shall at once cause an investigation of the conditions with reference to the prevalence of such disease to be made. If he deems it necessary he shall call a meeting of the board of health to be held as soon as practicable, and the said board shall see to it that the public health and safety are protected by the enforcement of any of the provisions of this act which they may deem necessary or advisable.

SEC. 19. *Reports.*—Whenever any physician or other person shall know that any person is sick with small-pox or other contagious or infectious disease, or of any nuisance dangerous to the public health, he shall at once give notice thereof, if within the limits of any incorporated city, town or village, to the health officer for the county in which such city, town or village is situated; and if not within such city, town or village, then to the justice of the peace in the precinct in which such disease or nuisance exists. Whenever such notice is given to any justice of the peace it shall be his duty to at once notify the health officer of the county. Any physician, justice of the peace or other person failing, neglecting or refusing to perform any duty imposed upon him by this section shall be guilty of a misdemeanor, and shall be punished by a fine of not less than $25, and not to exceed $100.

SEC. 20. *Householder to report.*—Whenever any householder shall know that any person in his family is sick with small-pox, or other contagious disease dangerous to the public health, he shall immediately give notice thereof required by the last preceding section, and upon failure to give such notice shall be deemed guilty of a misdemeanor, and punished upon conviction as in said section provided.

SEC. 23. *Regulations by State board.*—The said board is hereby authorized to make all proper rules and regulations for the proper enforcement of this act, not in conflict with the laws of the Territory or laws of the United States, and all such rules and regulations when so made shall be published in the public press of the Territory and shall be duly recorded as a part of the proceedings of said board and filed with the secretary of the Territory.

SEC. 24. *Penalty.*—Any person violating any of the provisions of this act, or any of the rules and regulations adopted by said board, if punishment for the same is not herein otherwise provided for, shall be guilty of a misdemeanor and after conviction shall be punished by a fine of not less than $25 and not more than $100, and may be prosecuted either by indictment or information, or before any justice of the peace in the county in which such offense is committed.

SEC. 26. *Expenses, etc.*—The costs of carrying out the provisions of this act except as herein otherwise provided, when the same are incurred in any city, town, or village, shall be paid by the board of county commissioners of the county in which the same are incurred as a part of the current expenses of such county, and it shall be the duty of the board of county commissioners to make proper provision therefor.

SEC. 32. *Intrastate quarantine.*—Whenever the necessity shall appear, the said board of health, or the president thereof may authorize any board of county commissioners, city council, board of town or village trustees of any municipal corporation in the territory to constitute and proclaim a quarantine against other locations in the territory and enforce the same under such rules and regulations as are usual, requisite or necessary for the purpose of preventing the spread of contagious and infectious diseases, and notice shall be given of such quarantine with its provisions, by a publication in a newspaper published in the locality where the quarantine is to be maintained, or if none is published then in the newspaper published at the county seat of the county, and in one published at the capital of the territory, and of the time when said quarantine is instituted, against what disease, and when the same is raised, and such boards and municipal incorporations shall have power to enforce all quarantine rules and regulations by prosecution, fine, and imprisonment and to summarily punish all offenders under such reasonable rules, regulations and ordinances as they may prescribe in order to make such quarantine effective, not in conflict with this act.

[Acts of 1899, ch. 74.]

SEC. 2. *Corporations to furnish pesthouses.*—All mining companies, or other corporations doing business in this territory who receive any money from their employes for the purpose of employing a physician to attend to and render medical aid to any of said employes during sickness, or to enforce sanitary regulations for the benefit of said employes, are hereby required to erect and maintain a proper and suitable pesthouse not less than one and one-half miles from any town, mining camp, settlement, or village where the headquarters of such company may be, or where the greater portion of said employes may labor, for the purpose of taking proper care of, and quarantining any and all of said employes who may be affected with any contagious, or infectious diseases and any company or corporation violating any of the provisions of this act upon proper proceedings and conviction thereunder, shall be fined as set forth in section one, and in addition thereto shall be liable for all damages occasioned by their violation of the law as embodied in this act.

NEW YORK.

[Consolidated Laws, ch. 45.]

SEC. 2*a* (added by ch. 559, acts of 1913). *Public health council.*—There shall be a public health council to consist of the commissioner of health and six members, hereinafter called the appointive members, to be appointed by the governor, of whom at least three shall be physicians, and shall have had train-

ing or experience in sanitary science, and one shall be a sanitary engineer. * * *

SEC. 2*b* (added by ch. 559, acts of 1913). *Sanitary code.*—The public health council shall have power by the affirmative vote of a majority of its members to establish and from time to time amend sanitary regulations, hereinafter called the sanitary code, without discrimination against any licensed physicians. The sanitary code may deal with any matters affecting the security of life or health or the preservation and improvement of public health in the State of New York, and with any matters as to which jurisdiction is hereinafter conferred upon the public health council. The sanitary code may include provisions regulating the practice of midwifery and for the promotion of health in any or all Indian reservations. Every regulation adopted by the public health council shall state the date on which it takes effect, and a copy thereof, duly signed by the secretary of the public health council, shall be filed in the office of the secretary of state, and a copy thereof shall be sent by the commissioner of health to each health officer within the State, and shall be published in such manner as the public health council may from time to time determine. The provisions of the sanitary code shall have the force and effect of law, and any violation of any portion thereof may be declared to be a misdemeanor. No provision of the sanitary code shall relate to the city of New York or any portion thereof, and every provision of the sanitary code shall apply to and be effective in all portions of the State except the city of New York unless stated otherwise.

SEC. 2*c* (added by ch. 559, acts of 1913). *Enforcement of sanitary code.*—The provisions of the sanitary code shall, as to matters to which it relates and in the territory prescribed therefor by the public health council, supersede all local ordinances heretofore or hereafter enacted inconsistent therewith. Each city, town, or village may, in the manner hereinafter prescribed, enact sanitary regulations not inconsistent with the sanitary code established by the public health council. The public health council shall have power to prescribe by regulations the qualifications of directors of divisions, sanitary supervisors, local health officers hereafter appointed, and public health nurses.

The actions, proceedings, and authority of the State health department in enforcing the provisions of the public health law and sanitary code applying them to specific cases shall at all times be regarded as in their nature judicial, and shall be treated as prima facie just and legal. All meetings of said public health council shall in every suit and proceeding be taken to have been duly called and regularly held, and all regulations and proceedings to have been duly authorized unless the contrary be proved.

The public health council shall have no executive, administrative, or appointive duties. It shall, at the request of the commissioner of health, consider any matter relating to the preservation and improvement of public health, and may advise the commissioner thereon, and it may from time to time submit to the commissioner any recommendations which it may deem wise.

SEC. 3 (added by ch. 559, acts of 1913). *Compensation of officers and employees.*—The commissioner of health shall receive an annual salary of $8,000, and his expenses actually and necessarily incurred in the performance of his official duties, to be paid monthly on the audit of the comptroller. The deputy commissioner of health shall receive an annual salary of $5,000 and his expenses actually and necessarily incurred in the performance of his official duties, to be paid monthly on the audit of the comptroller. The commissioner of health may employ such clerical and other assistants as are necessary for the proper performance of the powers and duties of the department and fix their compensation within the amount appropriated therefor by the legislature.

SEC 3a (added by ch. 559, acts of 1913). *Divisions.*—There shall be in the State department of health the following divisions, together with such other divisions as the commissioner may from time to time determine: (1) Division of administration, (2) division of sanitary engineering, (3) division of laboratories and research, (4) division of communicable diseases, (5) division of vital statistics, (6) division of publicity and education, (7) division of child hygiene. (8) division of public health nursing, (9) division of tuberculosis. Each such division shall be under the management of a director appointed by the commissioner.

SEC. 4 (as am. by ch. 559, acts of 1913). *General powers and duties of State commissioner.*—The commissioner of health shall take cognizance of the interests of health and life of the people of the State, and of all matters pertaining thereto. He shall exercise general supervision over the work of all local health authorities except in the city of New York. He shall be charged with the enforcement of the public health laws and the sanitary code. He shall make inquiries in respect to the causes of disease, especially epidemics, and investigate the sources of mortality, and the effect of localities, employments, and other conditions upon the public health. He shall obtain, collect, and preserve such information relating to mortality, disease, and health as may be useful in the discharge of his duties or may contribute to the promotion of health or the security of life in the State. He may issue subpoenas, compel the attendance of witnesses, and compel them to testify in any matter or proceeding before him, and a witness may be required to attend and give testimony in a county where he resides or has a place of business without the payment of any fees. The commissioner of health may reverse or modify an order, regulation, by-law, or ordinance of a local board of health concerning a matter which in his judgment affects the public health beyond the territory over which such local board has jurisdiction; and may exercise exclusive jurisdiction over all lands acquired by the State for sanitary purposes. The commissioner of health and any person authorized by him so to do may, without fee or hindrance, enter, examine, and survey all grounds, erections, vehicles, structures, apartments, buildings, and places.

SEC. 4a (added by ch. 559, 1913). *Sanitary districts; sanitary supervisors; public health nurses.*—The commissioner of health shall from time to time divide the State, except cities of the first class, into 20 or more sanitary districts. He shall appoint for each of such districts a sanitary supervisor, who shall be a physician. Each sanitary supervisor, under the direction of the commissioner of health and subject to the provisions of the sanitary code, shall, in addition to such other duties as may be imposed upon him, perform the following duties:

1. Keep himself informed as to the work of each local health officer within his sanitary district.

2. Aid each local health officer within his sanitary district in the performance of his duties, and particularly on the appearance of any contagious disease.

3. Assist each local health officer within his sanitary district in making an annual sanitary survey of the territory within his jurisdiction, and in maintaining therein a continuous sanitary supervision.

4. Call together the local health officers within his district or any portion of it from time to time for conference.

5. Adjust questions of jurisdiction arising between local health officers within his district.

6. Study the causes of excessive mortality from any disease in any portion of his district.

7. Promote efficient registration of births and deaths.

8. Inspect from time to time all labor camps within his district and enforce the regulations of the public health council in relation thereto.

9. Inspect from time to time all Indian reservations and enforce all provisions of the sanitary code relating thereto.

10. Endeavor to enlist the cooperation of all the organizations of physicians within his district in the improvement of the public health therein.

11. Promote the information of the general public in all matters pertaining to the public health.

12. Act as the representative of the State commissioner of health, and under his direction, in securing the enforcement within his district of the provisions of the public health law and the sanitary code.

The commissioner of health, whenever he may deem it expedient so to do, may employ such number of public health nurses as he may deem wise within the limits of his appropriation, and may assign them from time to time to such sanitary districts and in such manner as in his judgment will best aid in the control of contagious and infectious diseases and in the promotion of public health.

SEC. 4*b* (added by ch. 559, 1913). *Duties of commissioner with respect to laboratories.*—The commissioner of health shall establish and maintain one or more laboratories with such expert assistants and such facilities as are necessary for routine examinations and analyses and for original investigations and research in matters affecting public health. He shall have authority to make, at the expense of the State, such examinations and analyses at the request of any health officer or of any physician. He may enter into contracts with laboratories in localities accessible to the various portions of the State for the prompt examination of specimens received from local health officers or physicians and for the immediate report thereon, at the expense of the State: *Provided*, That all such laboratories shall conform to standards of efficiency established by the public health council, and that no obligation shall be incurred by the commissioner in excess of the sums available therefor.

SEC. 4*c* (added by ch. 559, 1913). *Duties of commissioner with respect to hospitals for contagious diseases.*—The commissioner of health shall from time to time submit to the authorities of the several municipalities of the State such recommendations as he may deem wise as to the establishment of hospitals for contagious diseases, indicating the diseases for which in his judgment provision should be made and the extent of such provision. It shall be the duty of the commissioner to inspect from time to time all hospitals for contagious diseases maintained under the jurisdiction of any municipal authority and to report as to the condition and needs of such hospitals to the authorities of the municipality, and to include an abstract of such reports in his annual report. The public health council may from time to time establish regulations for the maintenance of hospitals for contagious diseases.

SEC. 5 (as amended by ch. 557, acts of 1909). *Duties with respect to vital statistics.*—There shall be in the State department of health a bureau of vital statistics for the registration of births, marriages, deaths, and prevalent diseases, which shall be under the general charge and supervision of the commissioner of health. He shall prescribe and prepare the necessary methods and forms for obtaining and preserving such statistics, and to insure the prompt and faithful registration of the same in the several municipalities and in the State bureau. He shall from time to time recommend such forms and such amendments of law as shall be deemed necessary for the thorough organization and efficiency of registration of vital statistics throughout the State, as supervised by him. The clerical duties and safe-keeping of the State bureau shall be pro-

vided for by the commissioner of health. The comptroller shall provide and furnish such stationery as the commissioner may require in the discharge of his duties. If defects exist in any registration under the supervision of a local board of health, the commissioner shall notify the local board that such defects must be amended and prevented within 10 days from the date of the notice. If such defects are not so amended or prevented, the commissioner shall take control of such registration and the record thereof and enforce the rules and regulations in regard thereto, and secure a complete registration in such municipality, and such control shall continue until the local board satisfies the commissioner that it will make such record and registry complete, as required by law, and the expenses incurred by the commissioner or his representative while in control of the registration shall be a charge upon the municipality. A copy of any record or registry in the office of the State department of health, duly certified by the commissioner to be a true copy thereof, shall be presumptive evidence in all courts and places of the facts therein stated. The commissioner of health shall prescribe and prepare the necessary methods, forms, and rules regulating the issue of transfer permits, by local boards of health, for the transportation of corpses for burial outside of the county where death occurred and the use of such permits. He shall require a coupon to be attached to every such permit to be detached and preserved by every common carrier or person in charge of any vessel, car, or vehicle to whom any such corpse shall be delivered for transportation.

SEC. 13 (as am. by ch. 559, 1913). *Tenement houses in cities.*—The commissioner shall have power to examine into the enforcement of the laws relating to tenement houses in any city. Whenever required by the governor, he shall make such an examination and shall report the results thereof to the governor within the time prescribed by him therefor.

SEC. 14 (as amended by ch. 559, acts of 1913).—*Approval of plans, etc.*—In all buildings and institutions owned, maintained, or controlled by the State the plans for all water supply, sewerage, sewage-disposal and garbage-disposal works shall be subject to the approval of the State commissioner of health before being adopted or constructed. The State commissioner of health shall make from time to time and at least once in each year an examination and inspection of the sanitary conditions of all State institutions and transmit copies of his report and recommendations thereon to the president of the board of managers or trustees or other authority in charge of such institution and to the fiscal supervisor of State charities in case of institutions reporting to that official. It shall be the duty of the superintendents of said institutions to immediately report an outbreak of a contagious or infectious disease to the State commissioner of health, and upon receipt of such report the State commissioner of health shall advise the superintendent of said institution as to the best means to effectually control said disease. It shall be the duty of the State commissioner of health to make regular analyses of the water supplies of said institutions at least twice in each year, and furnish copies of his reports thereon to the president of the board of managers or trustees or other authority in charge of the institutions and to the fiscal supervisor of State charities.

[Acts of 1913, ch. 792.]

SEC. 1. *Appropriations.*—The several amounts named in this act are hereby appropriated and authorized to be paid from the several funds indicated to the respective public officers, and for the several purposes specified, for the fiscal year beginning on the 1st day of October, in the year 1912, namely:

Health department.

* * * * * * *

Division of communicable diseases:

For salary of the medical expert on contagious diseases	$4,000.00
Sixth grade, one employee	1,200.00
Fifth grade, two employees	1,800.00
Fourth grade, two employees	1,440.00
For the suppression, control, and prevention of epidemics of infectious and contagious diseases and tuberculosis exhibits in the several municipalities of the State, $115,000, or so much thereof as may be necessary	115,000.00

* * * * * * *

Antitoxin laboratory:

For actual and necessary expenditures for the manufacture and standardization of tetanus, streptococcus and diphtheria antitoxin, for the proper distribution of the same in antiseptic tubes, and for further investigations of serum therapy in tuberculosis, typhoid fever, and kindred diseases, $16,000, or so much thereof as may be necessary	16,000.00

Hygienic laboratory:

For actual and necessary expenses of equipment and maintenance of the State hygienic laboratory and for the services of the Bender laboratory and elsewhere, $16,000, or so much thereof as may be necessary	18,000.00

State institute for the study of malignant diseases.

For the State Institute for the Study of Malignant Diseases at Buffalo, for the equipment and maintenance of laboratory and hospital, including salaries, $60,000, or so much thereof as may be necessary	60,000.00

[Consolidated Laws, ch. 45.]

SEC. 21 (as amended by ch. 559, acts of 1913). *General powers and duties of local boards of health.*—* * * In addition to his compensation * * * the (local) board of health must allow the actual and reasonable expenses of said health officer in going to, attending, and returning from the annual sanitary conference of health officers, or equivalent meeting, held yearly within the State, and conference, called by the sanitary supervisor of the district, and whenever the services rendered by its health officer shall include the care of smallpox, the board of health shall allow, or whenever such services are extraordinary, by reason of infectious diseases, or otherwise, they may in their discretion, allow to him such further sum in addition to said fixed compensation as shall be equal to the charges for consultation services in the locality, audited by the town board of a town, by the board of trustees of a village, or by the proper auditing board of a city of the third class, which said expenses and said additional compensation shall be a charge upon and paid by the municipality as provided in section 35 of this chapter.

Every such local board shall make and publish from time to time all such orders and regulations, not inconsistent with the provisions of the sanitary code, as it may deem necessary and proper for the preservation of life and health and the execution and enforcement of this chapter in the municipality. * * *

The health officer may employ such persons as shall be necessary to enable him to carry into effect the orders and regulations of the board of health and the provisions of the public health law and of the sanitary code, and fix their compensation within the limits of the appropriation therefor. The board of health may issue subpœnas, compel the attendance of witnesses, administer oaths to witnesses, and compel them to testify, and for such purposes it shall have the same powers as a justice of the peace of the State in a civil action of which he has jurisdiction. It may designate by resolution one of its members to sign and issue such subpœnas. No subpœna shall be served outside the jurisdiction of the board issuing it, and no witness shall be interrogated or compelled to testify upon matters not related to the public health. It may issue warrants to any constable or policeman of the municipality to apprehend and remove such persons as can not otherwise be subjected to its orders or regulations, and a warrant to the sheriff of the county to bring to its aid the power of the county whenever it shall be necessary to do so. Every warrant shall be forthwith executed by the officer to whom directed, who shall have the same powers and be subject to the same duties in the execution thereof as if it had been duly issued out of a court of record of the State. Every such local board may prescribe and impose penalties for the violation of or failure to comply with any of its orders or regulations, not exceeding $100 for a single violation or failure, to be sued for and recovered by it in the name and for the benefit of the municipality; and may maintain actions in any court of competent jurisdiction to restrain by injunction such violations, or otherwise to enforce such orders and regulations.

Sec. 21*b* (as am. by ch. 559, acts of 1913). *General powers and duties of health officers.*—Health officers of towns and villages, in addition to such other duties as may be lawfully imposed upon them and subject to the provisions of the public health law and the sanitary code, shall perform the following duties:

1. Make an annual sanitary survey and maintain a continuous sanitary supervision over the territory within their jurisdiction.

2. Make a medical examination of every school child as soon as practicable after the opening of each school year, except in those schools in which the authorities thereof make other provision for the medical examination of the pupils.

3. Make a sanitary inspection periodically of all school buildings and places of public assemblage and report thereon to those responsible for the maintenance of such school buildings and places of public assemblage.

4. Promote the spread of information as to the causes, nature, and prevention of prevalent diseases and the preservation and improvement of health.

5. Take such steps as may be necessary to secure prompt and full reports by physicians of communicable diseases and prompt and full registration of births and deaths.

6. Enforce within their jurisdiction the provisions of the public health law and the sanitary code.

7. Attend the annual conferences of sanitary officers called by the State department of health and local conferences within his sanitary district to which he may be summoned by the sanitary supervisor thereof.

The written reports of public health officers, inspectors, nurses, and other representatives of public health officers on questions of fact under the public health law or under the sanitary code or any local health regulation shall be presumptive evidence of the facts so stated, and shall be received as such in all courts and places. The persons making such reports shall be exempt from personal liability for the statements therein made, if they have acted in good faith.

No health officer, inspector, public health nurse, or other representative of a public health officer, and no person or persons other than the city, village, or town by which such health officer or representative thereof is employed, shall be sued or held to liability for any act done or omitted by any such health officer or representative of a health officer in good faith and with ordinary discretion on behalf or under the direction of such city, village, or town or pursuant to its regulations or ordinances, or the sanitary code, or the public health law. Any person whose property may have been unjustly or illegally destroyed or injured pursuant to any order, regulation, or ordinance, or action of any board of health or health officer, or representative of a health officer, for which no personal liability may exist as aforesaid, may maintain a proper action against the city, village, or town for the recovery of proper compensation or damages. Every such suit must be brought within six months after the cause of action arose and the recovery shall be limited to the damages suffered.

SEC. 21c. *Public health nurses.*—Each health officer or other official exercising similar duties, by whatever official designation he may be known, shall have power to employ such number of public health nurses as in his judgment may be necessary within the limits of the appropriation made therefor by the city, town, or village. They shall work under the direction of the health officer and may be assigned by him to the reduction of infant mortality, the examination or visitation of school children or children excluded from school, the discovery or visitation of cases of tuberculosis, the visitation of the sick who may be unable otherwise to secure adequate care, the instruction of members of households in which there is a sick person, or to such other duties as may seem to him appropriate.

SEC. 326-a (added by ch. 559, 1913). *Control of dangerous and careless patients.*—Whenever a complaint shall be made by a physician to a health officer that any person is afflicted with any infectious, contagious, or communicable disease or is a carrier of typhoid fever, tuberculosis, diphtheria, or other infectious disease, and is unable or unwilling to conduct himself and to live in such a manner as not to expose members of his family or household or other persons with whom he may be associated to danger of infection, the health officer shall forthwith investigate the circumstances alleged. If he shall find that any such person is a menace to others, he shall lodge a complaint against such person with a magistrate, and on such complaint the said person shall be brought before such magistrate. The magistrate, after due notice and a hearing, if satisfied that the complaint of the health officer is well founded and that the person is a source of danger to others, may commit him to a county hospital for tuberculosis or to any other hospital or institution established for the care of persons suffering from any such disease or maintaining a room, ward, or wards for such person. Such person shall be deemed to be committed until discharged in the manner authorized in this section. In making such commitment the magistrate shall make such order for payment for the care and maintenance of such person as he may deem proper. The chief medical officer of the hospital or other institution to which any such person has been committed, upon signing and placing among the permanent records of such hospital or institution a statement to the effect that such person has obeyed the rules and regulations of such hospital or institution for a period of not less than sixty days, and that in his judgment such person may be discharged without danger to the health or life of others, or for any other reason stated in full which he may deem adequate and sufficient, may discharge the person so committed. He shall report each such discharge, together with a full statement of the reasons therefor, at once to the health

officer of the city, village, or town from which the patient came and at the next meeting of the board of managers or other controlling authority of such hospital or institution. Every person committed under the provisions of this section shall observe all the rules and regulations of such hospital or institution. Any patient so committed who neglects or refuses to obey the rules or regulations of the institution may by direction of the chief medical officer of the institution be placed apart from the other patients and restrained from leaving the institution. Any such patient who wilfully violates the rules and regulations of the institution or repeatedly conducts himself in a disorderly manner may be taken before a magistrate by the order of the chief medical officer of the institution. The chief medical officer may enter a complaint against such person for disorderly conduct, and the magistrate, after a hearing and upon due evidence of such disorderly conduct, may commit such person for a period not to exceed six months to any institution to which persons convicted of disorderly conduct or vagrancy or of being tramps may be committed, and such institution shall keep such person separate and apart from the other inmates, provided that nothing in this section shall be construed to prohibit any person committed to any institution under its provisions from appealing to any court having jurisdiction for a review of the evidence on which commitment was made.

[Consolidated Laws, 1909, ch. 11.]

SEC. 43. *County laboratories.*—The board of supervisors of any county shall have the power, by the vote of a majority of said board, to establish a county laboratory and to appoint a thoroughly trained and competent county bacteriologist to have charge of such laboratory and such assistants as may be required.

SEC. 44. *Bacteriologist.*—Such board of supervisors shall have, by like vote, power to fix the compensation of such county bacteriologist and to remove him from office; fix the compensation of such assistants and remove them from office; also to provide any necessary supplies, equipments, and samples not otherwise provided. Such board of supervisors may, from time to time, make such rules and regulations concerning the duties and liabilities of such officer as said board may deem for the best interests of the county: *Provided*, That the board of supervisors of any county having no county bacteriologist may, and such board is hereby authorized and empowered to, make a contract with a county having such county bacteriologist and county laboratory or with a city having a city bacteriologist and city laboratory, for the performance of such services as said board may deem necessary in the interests of public health.

[Consolidated Laws, 1909, ch. 45.]

SEC. 25 (as am. by ch. 559, 1913). *Infectious and contagious or communicable diseases.*—Every local board of health and every health officer shall guard against the introduction of such infectious and contagious or communicable diseases as are designated in the sanitary code, by the exercise of proper and vigilant medical inspection and control of all persons and things infected with or exposed to such diseases, and provide suitable places for the treatment and care of sick persons who cannot otherwise be provided for. They may, subject to the provisions of the sanitary code, prohibit and prevent all intercourse and communication with or use of infected premises, places and things, and require, and if necessary, provide the means for the thorough purification and cleansing of the same before general intercourse with the same or use thereof shall be allowed. Every physician shall immediately give notice of

every case of infectious and contagious or communicable disease required by the state department of health to be reported to it, to the health officer of the city, town or village where such disease occurs, and no physician being in attendance on such case, it shall be the duty of the superintendent or other officer of an institution, householder, hotel or lodging house keeper, or other person where such case occurs, to give such notice. The physician or other person giving such notice shall be entitled to the sum of twenty-five cents therefor, which shall be a charge upon and paid by the municipality where such case occurs. Every local health officer shall report to the state department of health, promptly, all cases of such infectious and contagious or communicable diseases, and every case of smallpox or varioloid within the municipality. Health officers of cities, villages and towns shall report in writing once a month to the state department of health all cases of such infectious and contagious or communicable diseases as may be required by the state department of health, and for such reporting the health officer of a village or town shall be paid by the municipality employing him, upon the certification of the state department of health, a sum not to exceed twenty cents for each case so reported. The reports of cases of tuberculosis made pursuant to the provisions of this section shall not be divulged or made public so as to disclose the identity of the persons to whom they relate, by any person; except in so far as may be authorized by the public health council. The board of health shall provide at stated intervals, a suitable supply of vaccine virus, of a quality and from a source approved by the state department of health, and during an actual epidemic of smallpox obtain fresh supplies of such virus at intervals not exceeding one week, and at all times provide thorough and safe vaccination for all persons in need of the same. If a pestilential, infectious or contagious disease exists in any county almshouse or its vicinity, and the physician thereof shall certify that such disease is likely to endanger the health of its inmates, the county superintendent of the poor may cause such inmates or any of them to be removed to such other suitable place in the county as the local board of health of the municipality where the almshouse is situated may designate, there to be maintained and provided for at the expense of the county, with all necessary medical care and attendance until they shall be safely returned to such almshouse or otherwise discharged. This act shall apply to all cities, towns and villages, except cities of the first class, notwithstanding the provisions of section thirty-two of this article. The health officer, commissioner of health, or boards of health of the cities of the first class shall report promptly to the state department of health all cases of smallpox, typhus and yellow fever and cholera and the facts relating thereto.

Sec. 27. *Owner to bear all or part of expense of removal of waters wherein mosquito larvae breed.*—Whenever the local board of health of a municipality shall determine that any accumulation of water wherein mosquito larvae breed, constitutes a nuisance or a danger or injury to life or health, the owner or owners of the premises on which the breeding place is located shall bear the expense of its suppression or removal, or so much thereof as the local board may have determined to be equitable as hereinafter provided, and for the amount thereof an action may be maintained in the name of the municipality and the same shall become a first lien on the premises as provided by sections thirty-one and thirty-two of this article.

Sec. 35. *Expenses, how paid.*—All expenses incurred by any local board of health in the performance of the duties imposed upon it or its members by law shall be a charge upon the municipality and shall be audited, levied, collected, and paid in the same manner as the other charges of or upon the municipality

are audited, levied, collected, and paid. The taxable property of any village maintaining its own board of health shall not be subject to taxation for maintaining any town board of health or for any expenditure authorized by the town board of health, but the costs and expenditures of the town board shall be assessed and collected exclusively on the property of the town outside of any such village.

36. *Relief of indigent Indians in case of epidemic.*—Whenever an epidemic of a contagious or infectious disease shall prevail among the Indians of any nation, tribe or band in this state, the overseer of the poor of any town in which the reservation of such nation, tribe or band, is wholly or partly situated, may in accordance with rules and regulations adopted by the state commissioner of health, cause needed medical attendance, provisions and maintenance to be furnished to any indigent Indian residing in the town, who, or a member of whose family, is afflicted with such disease, while such disease shall continue; and the cost thereof after being audited as herein provided shall be a state charge. A verified statement of any expenses incurred under this section shall be transmitted by the overseer of the poor to the state commissioner of health. Such commissioner shall examine into the matter, and if satisfied that such expenses were properly and necessarily incurred in accordance with the rules and regulations of the state commissioner of health, shall audit and allow the same, and when so audited, the amount thereof shall be paid by the state treasurer on the warrant of the comptroller to such overseer of the poor.

100. *Quarantine commissioners; organization.*—There shall continue to be a board of commissioners of quarantine at the port of New York consisting of three members appointed by the governor by and with the advice and consent of the senate. Each shall be a resident of the county of New York, Kings or Richmond, and shall hold office for 3 years and receive an annual salary of twenty-five hundred dollars. The board shall elect one of their number president, who shall hold office during the pleasure of the board, but not after he shall cease to be commissioner. The president shall appoint a secretary of the board who shall hold office during the pleasure of the president and receive an annual salary of eighteen hundred dollars to be paid by the state.

Sec. 101. *Other officers and employees.*—The board shall appoint the following officers who shall receive the following annual salaries to be paid by the state:

A superintendent of the Swinburne island hospital, twenty-five hundred dollars.

A superintendent of Hoffman island, fifteen hundred dollars.

An engineer at Swinburne island, eleven hundred and fifty dollars.

An engineer at Hoffman island, ten hundred and fifty dollars.

A carpenter at Swinburne island, nine hundred dollars.

Two laborers at Swinburne island, sixty dollars per month.

Two laborers at Hoffman island, sixty dollars per month, and such other employees as emergency may require.

Sec. 102. *Meetings; report.*—The commissioners shall hold daily meetings, Sundays and holidays excepted, from May first until November first in each year, and as often in the other months as they may deem necessary. They shall annually report to the legislature at its opening a report of their proceedings and the condition of the quarantine establishment.

Sec. 103. (As amended by ch. 425, acts of 1910.) *Custody of quarantine establishment.*—The health officer shall be the custodian of the quarantine establishment to be held by him in trust for the people of the state, in accordance with the provisions of this chapter. He may make such rules and regulations not inconsistent with law as he shall deem necessary for the care and protection of

each portion of the quarantine establishment; for the government of the employees therein; for the regulation of the conduct of all quarantinable persons and shall pay all salaries of persons appointed by him from money appropriated by the state. He shall collect from the owners, agents or consignees of vessels all bills for the care and maintenance of persons detained in quarantine, and shall have power to enforce such payment by process of law against the vessel upon which such detained persons have arrived, or against the agents, or owners, or consignees of such vessels, and, in case of an emergency arising shall use all, and if the balance of the contingent fund is insufficient therefor may, with the approval of the governor and notwithstanding the provisions of section thirty-seven of the state finance law expend such portion of the fees collected by him as may be needed. If such expenditure is made the health officer shall render to the state comptroller on or before the fifth day of the succeeding month a sworn itemized statement of all such expenditures made during the preceding calendar month.

Sec. 104. *Quarantine establishment.*—Quarantine for the protection of public health shall be maintained in and for the port of New York, for all vessels arriving thereat from other ports, and for the crews, passengers, equipage, cargoes and other property on board the same. The quarantine establishment at such port shall consist of:

1. Docks and wharves.
2. Anchorage for vessels.
3. Stationary hospital.
4. Boarding station.
5. Crematory.
6. Residence for officers and men.
7. Such other places and structures as have been or may be authorized by law for quarantine purposes.

Sec. 105. *Docks and wharves.*—The existing docks and wharves with their appurtenances shall be maintained, and if any such additional structures are required, they shall be constructed at such expense and in such place in the lower bay of New York, as the quarantine commissioners and health officer may determine, with the approval of the commissioners of the land office.

Sec. 106. *Anchorage.*—The anchorage for vessels under quarantine shall be within the waters of New York harbor at such place as may be designated by the health officer and commissioners of quarantine.

Sec. 107. *Boarding station.*—The boarding station for vessels from any place where disease subject to quarantine existed at the time of their departure, or which shall have stopped at any such place during their voyage, or on board of which during the voyage any case of such disease shall have occurred, arriving between the first day of April and the first day of November, shall be at such place as the health officer and quarantine commissioners may designate. And all such vessels immediately on their arrival shall anchor where directed and there remain with all persons arriving thereon until discharged by the health officer.

Sec. 108. *The Swinburne island hospital.*—The Swinburne island hospital in the lower bay of New York, with its docks, wharves and appurtenances, shall be kept in the best possible condition by the commissioners of quarantine and be in constant readiness for use as a hospital for the reception of persons sick with infectious diseases, arriving in quarantinable vessels, and shall be provided with all necessary furniture, fixtures and other facilities for the care of the sick, and for the prompt and efficient discharge of the duties of the health officer. The expense of the care and the support of every person received into such hospital shall be fixed and determined by the commissioners of quarantine, and shall be paid to the commissioners of quarantine by the master, owner or con-

signee of the vessel in which such person shall have arrived, and the payment thereof may be enforced by the same remedies as the payment of other quarantine charges. The structures on Hoffman island now used for that purpose shall continue to be used for the reception and temporary detention of persons under quarantine who have been exposed to infectious diseases and who may be sent there by the health officer pursuant to law. And the commissioners of quarantine shall use every effort to maintain this island and the buildings thereon in the best possible condition for the safe and comfortable occupancy of detained persons, and shall provide such appliances for the cleansing and the disinfection of persons, baggage, and other goods as the health officer may require.

SEC. 109. *Crematory.*—The board of commissioners of quarantine shall maintain upon Swinburne island, in the harbor of New York, a crematory of such form and construction as they may deem advisable. The health officer shall cause to be incinerated therein the bodies of persons dying at the quarantine hospital from infectious diseases, except of persons whose religious views as communicated by them while living, or by their friends within twenty-four hours after their decease, are opposed to cremation.

SEC. 110. *Remains of persons cremated.*—The remains of persons cremated upon Swinburne island shall be placed in receptacles provided by the commissioners of quarantine for this purpose, and the same shall be properly labeled for identification, and the said commissioners shall deliver such receptacles to the proper claimants, when such appear, and when no such claimant is known, shall place the receptacle in a proper place to be provided for this purpose.

SEC. 111. *Burying ground.*—The commissioners of quarantine may make use of such parts of Swinburne island in the harbor of New York, as they may find necessary for the interment of the bodies of persons dying at the quarantine hospital from infectious diseases, which are not authorized to be cremated or which may not be designated for cremation.

SEC. 120. (As am. by ch. 425, acts of 1910.) *Appointment.*—There shall continue to be a health officer for the port of New York appointed by the governor, by and with the advice and consent of the senate, whose term of office shall be four years, and who shall be a doctor of medicine of good standing of at least ten years' experience in the practice of his profession and practically familiar with quarantinable diseases. He shall be paid an annual salary of twelve thousand five hundred dollars.

SEC. 121. *Residence and general powers.*—The health officer for the port of New York shall reside at Quarantine. He shall have the general supervision and control of the quarantine establishment, and the care and treatment of the sick thereat, and shall carry into effect the provisions of this article. He shall, in the presence of immediate danger, of which he shall be the judge, take the responsibility of applying such additional measures as may be deemed indispensable for the protection of the public health.[1]

SEC. 122 (as am. by cl. 425, acts of 1910). *Appointment of assistants, nurses, boatmen and others employed.*—The health officer may appoint and dismiss at pleasure deputy health officers, a resident physician and an engineer of the Swinburne island hospital, and a superintendent and engineer of Hoffman island, who may perform, subject to his direction, any duty required of the health officer, and for whose conduct he shall be responsible. He may appoint and dismiss at pleasure as many nurses, boatmen and other employees as may be necessary for the proper performance of the duties of his office. The compensation of all persons employed under this section shall be fixed by the health officer within the amounts appropriated therefor.

[1] Ch. 109, Laws 1912 authorize him to sell at public auction useless property belonging to the quarantine establishment.

SEC. 123. *Examinations; warrants for offenders.*—The health officer may administer oaths in all examinations to be conducted by him, or under his direction, prescribed by this article, and relative to any alleged violation of quarantine law or regulations. He may issue a warrant to any constable or other citizen for the pursuit and arrest of any person violating any quarantine law or regulation, or obstructing the health officer in the performance of his duty, and for the delivery of any person arrested to the health officer, to be detained in quarantine until discharged by him, not exceeding twenty days. Every constable or other citizen to whom any such warrant shall be delivered shall obey the direction thereof.

SEC. 124. *Boarding vessels.*—The health officer shall board every quarantinable vessel as soon after her arrival as practicable, between sunrise and sunset; shall ascertain by the inspection of the bill of health, manifest, log book or otherwise, as to the health of all persons on board, and the condition of the vessel and cargo; shall examine on oath as many persons on board or elsewhere as he may deem expedient to enable him to determine the period of quarantine and the regulations to which the vessel and cargo shall be made subject. It shall be the duty of the health officer at the several ports of entry within the state of New York to require the masters of all merchant ships and vessels arriving at said ports from any foreign port, to present a bill of health, duly executed by the consul, vice-consul, or other consular officer of the United States, or by the medical officer attached to the United States consulate by appointment of the United States government, or the representative of the United States government resident at said port of departure, which shall set forth the sanitary condition and history of said vessel; also the sanitary condition of the cargo and of the crew and passengers; also the sanitary condition of the food, water and ventilation of said vessel; the number of cases at such port of yellow fever, plague, cholera, small-pox, typhus fever, relapsing fever, scarlatina, measles, diphtheria and other infectious diseases, the total number of deaths from each of these diseases, and from all causes the week preceding the date of said bill of health, as far as can be ascertained by the said consul, vice-consul or other consular officer of the United States, or the medical officer attached to such consulate. Said bill of health shall contain, in addition to the above, a statement of any circumstances affecting the public health in relation to infectious diseases at the port of departure, or the community adjacent thereto. Vessels that touch at other ports on the passage shall bring a bill of health from each and every port, or shall have indorsed upon the original bill of health by the consul, vice-consul, consular officer or medical officer of the consulate, the facts and conditions of those ports as to the existence and prevalence of the infectious diseases metioned in this section. All persons coming from or through any foreign port or place who may arrive at the port of New York, shall be liable to an examination by the health officer or his deputies, as regards their protection from small-pox. In case any person so arriving shall refuse to submit to such examination, or upon such examination shall be found not sufficiently protected from small-pox, or refuses to be protected by vaccination, such person, and in case such person be a minor, then also the person having him or her under charge, shall be detained in quarantine until he or she shall have passed the incubative period from date of last possible exposure; and the expense of such detention shall be chargeable by the commissioners of quarantine upon the consignees or owners of the vessel having such person on board, and such expenses as may be incurred shall be a lien upon such vessel. The master of a vessel who shall refuse or neglect to comply with the provisions of this section shall be guilty

of a misdemeanor, and be punished by a fine of not less than one hundred dollars nor more than five hundred dollars.

SEC. 125. *Bills of health.*—The health officer shall require the masters of all merchant ships and vessels at such port from any foreign port to present a bill of health, duly executed by the consul, vice-consul or other consular officer of the United States, or by the medical officer attached to the United States consulate, by appointment of the United States government, or the representative of the United States government, resident at such port of departure, setting forth the sanitary condition of the vessel, its cargo, crew, passengers, food, waters and ventilation and the sanitary history of the vessel, the number of cases at such port of yellow fever, plague, cholera, small-pox, typhus fever, relapsing fever, scarlatina, measles, diphtheria and other infectious diseases, the total number of deaths from each of these diseases, and from all causes the week preceding the date of the bill of health, as far as can be ascertained by the officer executing such bill of health, and a statement of any circumstances affecting the public health in relation to infectious diseases at such port of departure or the community adjacent thereto. Vessels touching other ports on the passage shall also bring a bill of health from each port, or shall have indorsed on the original bill of health by one of such United States officers thereat, the facts and conditions of the ports touched, as to the existence or prevalence there of any such infectious disease.

SEC. 126. *Effects of deceased persons.*—The health officer shall secure the effects of deceased persons in quarantine from waste and embezzlement, make a true inventory thereof, and if the rightful claimants thereto do not appear within three months, deliver the same to the public administrator of the city of New York, unless they ought not to be removed or ought to be destroyed under the provisions of this article.

SEC. 127. *Department of health of the city of New York.*—The health officer shall keep the department of health of the city of New York informed of the number of cases of quarantinable diseases and the character of the same held at quarantine and he may receive any vessel or merchandise sent to him by the health authorities of New York which in his opinion is dangerous to the public health.

SEC. 128. *Power over master, owner or consignee of vessel.*—If the master, owner or consignee of any quarantinable vessel shall neglect or refuse to do any act or thing lawfully directed to be done by the health officer, or to comply with any lawful order or direction of the health officer, or with any regulation relative to such vessel or any person or thing on board thereof, the health officer may employ such assistance as may be necessary to enforce any such order, direction or regulation. The health officer in the lighterage, stevedorage and storage of quarantinable vessels and merchandise may permit the captains and owners thereof to employ men upon their own account, subject to the same restrictions for the protection of the public health as if licensed by the health officer and quarantine commissioners.

SEC. 129. *Quarantinable diseases.*—The quarantinable diseases are yellow fever, plague, cholera, typhus or ship fever and small-pox, and any other infectious disease which has been or may be determined to be quarantinable by the health officer. Persons with insufficient evidence of vaccination and known to have been recently exposed to small-pox, shall be vaccinated as soon as practicable and detained until the vaccination shall have taken effect, under regulations prescribed by the health officer.

SEC. 130. *Quarantinable vessels and period of quarantine.*—Every vessel arriving at the port of New York from any place where a quarantinable disease

existed at the time of departure, or which shall have arrived at ony such place and proceeded therefrom to New York, or on board of which during the voyage any case of any such disease shall have occurred, shall remain at quarantine until the health officer grant a permit for the discharge of such vessel or cargo or both. Every vessel arriving at the port of New York from any foreign port and every vessel from a domestic port shall, on their arrival at the quarantine ground, be subject to visitation by the health officer. No quarantinable vessel shall depart from quarantine without the written permission of the health officer which shall be delivered by the master of the vessel to the department of health of the city of New York, according to the destination of the vessel within twenty-four hours after the permit is received by him.

Sec. 131. *Detention for examination of vessels.*—If a vessel which has not had, during the voyage, a case of quarantinable disease, is found in a condition which the health officer deems dangerous to the public health, it shall be held and treated as the health officer may deem necessary.

Sec. 132. *Sanitary measures; admission to pratique.*—The health officer may require before admission to pratique of any vessel, baths and other bodily care of the persons on board in addition to the treatment of the vessel and cargo. Admission to pratique shall be preceded by as many visits to the vessel by the health officer as he may deem necessary.

Sec. 133. *The yellow flag.*—The health officer shall cause all vessels, warehouses and merchandise in quarantine to be designated by a yellow flag, and shall prohibit communication with or passage within range of the same, except under such restrictions as he may designate compatible with the public safety.

Sec. 134. *Vaccination.*—All persons coming from or through any foreign port or place, who may arrive at the port of New York, shall be liable to an examination by the health officer or his deputies, as regards their protection from small-pox.

If any such person shall refuse to submit to such examination or on such examination shall be found not sufficiently protected from small-pox, or shall refuse to be protected by vaccination, such person together with the person having him in charge if he be a minor, shall be detained in quarantine until he shall have passed the incubative period from the date of the last possible exposure; and the expense of such detention shall be charged by the commissioners of quarantine to the consignees or owners of the vessel having such person on board, and such expenses so incurred shall be a lien upon such vessel.

Sec. 135. *Duty of pilots.*—Every pilot belonging to the port of New York shall use his utmost endeavors to supply the health officer with such information as may aid him in protecting the public health.

Sec. 136. *Removal of vessels, persons and things from the city of New York.*—The health officer may, whenever in his judgment the public health requires it, order any vessel at the wharves of the city of New York to the quarantine grounds and may require all persons, articles or things introduced into the city from such vessel to be seized, and returned on board thereof. If the master, owner or consignee of such vessel can not be found, or shall neglect or refuse to obey any such order of removal, the health officer may employ such assistance as may be necessary to effect such removal at the expense of such master, owner or consignee. He shall have the aid of the health and police departments of the city of New York in securing the return of the persons and things above referred to. Such vessel or person shall not return to the city without the written permission of the health officer. Any person employed to remove any such vessels, articles or things pursuant to this section, shall have a lien on such vessel, its tackle, apparel and furniture for his services and expenses in effecting

such removal, which may be enforced in the manner prescribed in the lien law for the enforcement of a lien upon vessels.

SEC. 137. *Payment of expenses of quarantine.*—The expenses incurred and services rendered by the health officer or any of his subordinates or employees in the discharge of any duty imposed by law in relation to vessels, merchandise, baggage, dunnage, persons or burials of persons under quarantine shall be paid to the health officer by the master of the vessels for which the expenses shall have been incurred, or the services rendered, or in which such merchandise, baggage, dunnage and persons shall have arrived. Persons conveyed to and from the quarantine establishment in the quarantine steamboat shall pay the health officer for such transportation, unless conveyed for the master of a vessel, in which case the master shall pay for the same.

SEC. 138. *Lien for services and expenses.*—All such expenses, services and charges shall be a lien on the vessels, merchandise or other property in relation to which they shall have been made, incurred or rendered, and if such master, owner or consignee shall omit to pay the same within three days after the presentation of such account, the commissioners may proceed to enforce such lien in the manner provided in the lien law for the enforcement of liens upon vessels; or they may have or maintain an action against such master, owner or consignee to recover the amount of such expenses, services and charges, and such master, owner or consignee shall be deemed indebted to the commissioners in such amount and may recover from any passenger liable to pay the same the amount of any expenses incurred on account of such passenger. The health officer shall have the same remedies as the commissioners to enforce any lien or to recover for any expenses, services or charges which are by law made payable to him if they remain unpaid for three days after payment shall have been demanded by him. The vessel, cargo or other property upon which any lien exists by virtue of any provision of this article, shall be held in quarantine until the amount due for the expenses, services or charges constituting such lien is paid, unless such master, owner or consignee shall execute to the quarantine commissioners a bond with sufficient sureties to be approved by them, conditioned for the payment thereof within ten days thereafter.

SEC. 139. *When master of vessel must provide for passenger.*—All passengers on board any vessel under quarantine shall be provided for by the master of the vessel on which they arrive. If the master neglects or refuses to provide for them or if they have been transferred to some other point within the jurisdiction of the health officer, they shall be maintained by the quarantine commissioners at the expense of the vessel, her owners or consignees, and the health officer may in his discretion refuse to permit the vessel to leave quarantine until such expenses have been paid or secured. The commissioners may maintain an action against such owners or consignees to recover for such expenses, which shall be a lien upon the vessel, to be enforced as other liens thereon by the commissioners.

SEC. 140. *Policemen.*—The health officer may appoint policemen, whose services shall be paid for by him, and may dismiss them at pleasure and appoint others in their places. Such policemen shall perform patrol or police duty under the direction of the health officer, in connection with the quarantine establishment, and upon the waters of the bay of New York. They shall have all the powers possessed by policemen in the city of New York and any person arrested by any such policeman for violating any law or regulation relating to quarantine in such port, may be taken by him before any court of criminal jurisdiction or any magistrate or police justice in said city, and thereupon such court, magistrate or police justice shall have jurisdiction to hear, try and punish the person arrested for the offense committed by him in the same manner and with the

same effect, as if the offense had been committed within the territory over which such court, magistrate or police justice has jurisdiction to hear, try and punish for offenses committed within such territory.

SEC. 141. *Confinement of offenders.*—The health officer upon the application of the master of any vessel under quarantine may confine in any suitable place on shore, any person on board of the vessel charged with the commission of any offense punishable by the laws of this state or of the United States, and who can not be secured on board of such vessel. Such confinement may continue during the quarantine of such person, or until he shall be proceeded against in due course of law. The expenses of such confinement shall be charged and collected in the same manner as the expenses of providing for passengers, which the master of the vessel is required to pay.

SEC. 142. *Jurisdiction over offenses and in actions.*—Exclusive jurisdiction of the offenses specified in this article is hereby given to the court of general sessions of the county of New York and the court of special sessions of the city of New York, but the punishment in the last-named court for offenses shall not exceed ten days' imprisonment, or a fine of one hundred dollars, or both such fine and imprisonment, and it shall be the duty of the district attorneys of the county of New York, and the county of Kings, and the county of Richmond, respectively, to prosecute all persons guilty of such offenses in preference to any indictment then in their courts, and for such courts to hear and try the offenses against the provisions of this chapter in preference to all other cases pending before them; and whenever any person shall be convicted on a trial for such offense, the court shall forthwith proceed to pronounce judgment upon him according to the terms prescribed in this chapter. For the purpose of determining all questions of jurisdiction in any civil or criminal action growing out of any act or thing done upon or connected with the Swinburne island hospital, such hospital shall be deemed to be within the county of New York. If any action has been or shall hereafter be commenced or any criminal prosecution instituted against the health officer, or any of his deputies or employees, or against the quarantine commissioners, or any of them, or against any person engaged in performing any duty or rendering any service in any matter or thing connected with the quarantine establishment, or any part thereof, before any court or officer within the county of Richmond, or when such county shall be the place of trial named in the complaint in any such action, the defendant therein may apply to any justice of the supreme court for an order directing that such action shall be tried either in the county of New York or in the county of Kings, and such justice shall thereupon make an order removing such action from the county of Richmond to the county of New York or the county of Kings. If the action is pending in the supreme court, the order shall designate in which of the other counties herein named the trial shall be had; if the action is pending in the county court, such order shall remove the action into the supreme court, and designate one of such other counties as the county wherein it shall be tried. If the action shall have been commenced in the municipal court for the borough of Richmond, the order shall designate the court before which the action shall be tried in the county to which it is removed as herein required; and if it is a criminal action, the order shall direct to which officer or court the complaint or indictment shall be sent for trial, and shall provide for giving bail in such form and amount as such justice shall deem proper. The court or officer to which any action shall be transferred, pursuant to this section, shall proceed to the trial thereof in the same manner and with the same effect as if the action had been commenced before such court or officer and the cause of action had arisen in the county to which the action shall have been removed. An action may be brought by and in the name of the quarantine commissioners to recover any

penalty, forfeiture, sum of money or other cause of action incurred or required to be paid or authorized to be brought pursuant to any provision of this article or the preceding article.

Sec. 143. *Special port warden.*—There shall continue to be a special port warden in and for the port of New York, appointed by the governor, by and with the advice and consent of the senate, whose term of office shall be two years. He shall act as warden in regard to vessels under or subject to quarantine, but not in regard to vessels while stopping at quarantine for the purpose of visitation only by the health officer, but not detained. He shall have all the powers of a port warden of the port of New York with reference to vessels or merchandise under or subject to quarantine, but he shall be subject to such regulations as the health officer may impose, for the protection of the public health. He shall receive for each survey or examination made by him the sum of five dollars, and shall make returns to the warden's office in the city of New York of each survey made by him, within twenty-four hours after it shall be made. He may appoint a deputy, who during his absence or inability to serve, may perform all his duties and exercise all his powers. No other port warden shall be appointed under quarantine.

Sec. 144 (as am. by ch. 425, acts of 1910). *Fees of health officer.*—The health officer shall receive fees for his services at not exceeding the following rates, namely: For inspection of any vessel from a foreign port, five dollars. For inspection of every vessel from a domestic port, south of Cape Henlopen, between May first and November first in each year, steamers, three dollars; other vessels, one dollar. For medical inspection of every one hundred or fraction of one hundred steerage passengers upon transatlantic steamers, two dollars. For each special permit issued for the discharge of cargo, portion of cargo or baggage brought as freight, twenty-five cents. For sanitary inspection of every vessel after the discharge of cargo or ballast, ten dollars. For fumigation and disinfection of every vessel from an infected port, or of such vessel as in the judgment of the health officer shall require fumigation and disinfection by reason of exposure to infection or contagion, fifty dollars, or such sum not more than fifty dollars or less than five dollars as may in the judgment of the health officer be deemed reasonable. For boarding every vessel and giving a permit between sunset and sunrise, at the request of the owner, consignee or master of the vessel when such pratique can be given without danger to the public health, five dollars. For vaccination of persons on vessels, each twenty-five cents. But no charge shall be made for the vaccination of any person who shall have been successfully vaccinated by the medical officer of the ship. He shall pay all the salaries and wages of the deputy health officers and such bargemen, nurses, stewards and other employees as may be necessary for the performance of the duties imposed upon him by law for the carrying on of the quarantine establishment, and shall pay the current expenses of running a steamboat for the transportation of persons to and from the establishment, for visitation and for burying the dead. Salary of the health officer and of all persons appointed or employed by him and all the expenses necessarily incurred by him in the performance of the duties of his office, shall be paid by the state out of money appropriated therefor. There may be annually appropriated for the health officer a contingent fund which, notwithstanding any other provision of the law, may be paid to him by the treasurer on the warrant of the comptroller. Such fund may be used by him to pay the current expenses of his office for which an immediate payment in cash is required, but he shall render to the State comptroller on or before the fifth day of each month a sworn itemized statement of all expenditures from such fund during the preceding calendar month. The health officer shall keep an account of all moneys received or dis-

bursed by him under this section. This section shall not affect the liability of masters or owners of vessels, passengers or other persons to pay for such services, labor or work as they are respectively required to pay or discharge by law.

SEC. 145. *Annual report.*—The health officer shall make a report to the quarantine commissioners annually on or before January first for the preceding fiscal year, containing an itemized statement of all his receipts and disbursements and of the general condition of the quarantine establishment, the statistics of the establishment in detail, and such other information and suggestions in regard to it as he may deem advisable. A duplicate of said report shall at the same time be filed by said health officer with the comptroller.

SEC. 313. *Examination and quarantine of children admitted to institutions for orphan, destitute or vagrant children or juvenile delinquents.*—Every institution in this state, incorporated for the express purpose of receiving or caring for orphan, vagrant or destitute children or juvenile delinquents, except hospitals, shall have attached thereto a regular physician of its selection duly licensed under the laws of the state and in good professional standing, whose name and address shall be kept posted conspicuously within such institution near its main entrance. The words "juvenile delinquents" here used shall include all children whose commitment to an institution is authorized by the penal law. The officer of every such institution upon receiving a child therein, by commitment or otherwise, shall, before admitting it to contact with the other inmates, cause it to be examined by such physician, and a written certificate to be given by him, stating whether the child has diphtheria, scarlet fever, measles, whooping cough or any other contagious or infectious disease, especially of the eyes and skin, which might be communicated to other inmates and specifying the physical and mental condition of the child, the presence of any indication of hereditary or other constitutional disease, and any deformity or abnormal condition found upon the examination to exist. No child shall be so admitted until such certificate shall have been furnished, which shall be filed with the commitment or other papers on record in the case, by the officers of the institution, who shall, on receiving such child, place it in strict quarantine thereafter from the other inmates, until discharged from such quarantine by such physicians, who shall thereupon indorse upon the certificate the length of quarantine and the date of discharge therefrom.

SEC. 314. *Monthly examination of inmates and reports.*—Such physician shall at least once a month thoroughly examine and inspect the entire institution, and report in writing, in such form as may be approved by the state board of health, to the board of managers or directors of the institution, and to the local board of the district or place where the institution is situated, its condition, especially as to its plumbing, sinks, water-closets, urinals, privies, dormitories, the physical condition of the children, the existence of any contagious or infectious disease, particularly of the eyes or skin, their food, clothing and cleanliness, and whether the officers of the institution have provided proper and sufficient nurses, orderlies, and other attendants of proper capacity to attend to such children, to secure to them due and proper care and attention as to their personal cleanliness and health, with such recommendations for the improvement thereof as he may deem proper. Such boards of health shall immediately investigate any complaint against the management of the institution or of the existence of anything therein dangerous to life or health, and, if proven to be well founded shall cause the evil to be remedied without delay.

SEC. 315. *Beds; ventilation.*—The beds in every dormitory in such institutions shall be separated by a passageway of not less than two feet in width, and so arranged that under each the air shall freely circulate and there shall be adequate ventilation of each bed, and such dormitory shall be furnished with such means

of ventilation as the local board of health shall prescribe. In every dormitory six hundred cubic feet of air space shall be provided and allowed for each bed or occupant, and no more beds or occupants shall be permitted than are thus provided for, unless free and adequate means of ventilation exist approved by the local board of health, and a special permit in writing therefor be granted by such board, specifying the number of beds or cubic air space which shall, under special circumstances, be allowed, which permit shall be kept conspicuously posted in such dormitory. The physician of the institution shall immediately notify in writing the local board of health and the board of managers or directors of the institution of any violation of any provision of this section.

[Consolidated Laws, 1909, ch. 40.]

SEC. 1740. *Willful violation of health laws.*—1. A person who willfully violates or refuses or omits to comply with any lawful order or regulation prescribed by any local board of health or local health officer is guilty of a misdemeanor.

2. A person who willfully violates any provision of the health laws or any regulation lawfully made or established by any public officer or board under authority of the health laws the punishment for violating which is not otherwise prescribed by those laws or by this code is punished by imprisonment not exceeding one year or by a fine not exceeding $2,000, or by both.

SEC. 1741. A person who willfully opposes or obstructs a health officer or physician charged with the enforcement of the health laws in performing any legal duty is guilty of a misdemeanor.

SEC. 1756. *Public exposure.*—A person, who willfully exposes himself or another, affected with any contagious or infections disease, in any public place or thoroughfare, except upon his necessary removal in a manner not dangerous to the public health, is guilty of a misdemeanor.

[Consolidated Laws, ch. 31.]

58 (added by chapter 258, acts of 1911). *Occupational diseases.*—1. Every medical practitioner attending on or called in to visit a patient whom he believes to be suffering from poisoning from lead, phosphorus, arsenic or mercury or their compounds, or from anthrax, or from compressed air illness, contracted as the result of the nature of the patient's employment, shall send to the commissioner of labor a notice stating the name and full postal address and place of employment of the patient and the disease from which, in the opinion of the medical practitioner, the patient is suffering, with such other and further information as may be required by the said commissioner.

2. If any medical practitioner, when required by this section to send a notice, fails forthwith to send the same, he shall be liable to a fine not exceeding ten dollars.

3. It shall be the duty of the commissioner of labor to enforce the provisions of this section, and he may call upon the state and local boards of health for assistance.

NORTH CAROLINA.

[Acts of 1911, ch. 62.]

SEC. 3. *Duties state board of health.*—The board of health shall take cognizance of the health interests of the people of the State; shall make sanitary investigations and inquiries in respect to the people, employing experts when necessary; shall investigate the causes of disease dangerous to the public health, especially epidemics, the sources of mortality, the effect of locations, employments, and conditions upon the public health. They shall gather such information upon all these matters for distribution among the people, with the

especial purpose of informing them about preventable diseases. They shall be the medical advisers of the State, and are herein specially provided and shall advise the government in regard to the location, sanitary construction, and management of all State institutions, and shall direct the attention of the State to such sanitary matters as in their judgment affect the industries, prosperity, health, and lives of the people of the State. They shall make an inspection once in each year, and at such other times as they may be requested to do so by the State board of charities, of all public institutions, including all convict camps under the control of the State's prison, and make a report as to their sanitary conditions, with suggestions and recommendations to their respective boards of directors or trustees; and it shall be the duty of the officials in immediate charge of said institutions to furnish all facilities necessary for a thorough inspection. The secretary of the board shall make biennially to the general assembly, through the governor, a report of their work.

SEC. 4. *Epidemics.*—In times of epidemics of smallpox, yellow fever, typhoid fever, scarlet fever, diphtheria, typhus fever, bubonic plague, and cholera, the State board of health shall have sanitary jurisdiction in all cities and towns not having regularly organized local boards of health, and are hereby empowered to make all such regulations as they may deem necessary to protect the public health, and to enforce them by suitable penalties.

SEC. 5. *Bulletins.*—Bulletins of the outbreak of disease dangerous to the public health shall be issued by the State board, whenever necessary, and such advice freely disseminated to prevent and check the invasion of disease into any part of the State. It shall also be the duty of the board to inquire into any outbreak of disease by personal visits or by any method the board shall direct. The compensation of members on such duty shall be four dollars a day and all necessary traveling and hotel expenses.

SEC. 11 (as am. by ch. 181, acts of 1913). *Duties of county superintendent of health; penalty for nonperformance.*—The duties of the county physician shall be to make the medicolegal post-mortem examinations for the coroners' inquests, to make examination of lunatics for commitment, to render professional service to the sick inmates of the convict camp, jail, and county home, upon request of the superintendent or the keeper of these institutions, and to determine the nature of any particular disease, upon the request of the quarantine or deputy quarantine officer: *Provided*, That the county physician shall have the right to employ any other regularly registered physician of his county, to perform any or all of the duties pertaining to the jail, county home, or convict camp when, in his judgment, it is desirable to do so: *Provided, however*, That the terms under which such physician is employed by the county physician shall be approved by the board of county commissioners. The duties of the county health officer shall be to devote his entire time to the county public-health work, and he shall perform the duties of the county physician, of the quarantine officer and the following additional duties: He shall make a sanitary examination during the summer months of every public-school building and grounds in the county, and no school committee or teacher shall make use of any school building or grounds until the county superintendent of health shall certify in writing that said building and grounds have been inspected and found to be in a satisfactory sanitary condition within four months of the date of the certificate. He shall examine every school child that has previously been examined by the teacher according to methods furnished said teacher by the county superintendent of schools, and reported to said county superintendent of schools as probably defective in the condition of its eyes, ears, nose, or throat, and he shall further endeavor to have examined the feces of every child whom he suspects of having hookworm disease. He shall notify on blank forms and in accordance with in-

structions furnished by the State department of public instruction every parent or guardian of a child having any defect of the aforesaid organs, or hookworm disease, and he shall suggest to said parent or guardian the proper course of treatment and urge that such treatment be procured. He shall cooperate fully with the county board of education, the county superintendent of schools, and the teachers in the public schools, to the end that children may be better informed in regard to the importance of health and the methods of preventing disease. He shall, through the county press, public addresses, and in every available way, endeavor to educate the people of his county to set a higher value on health, and to adopt such public and private measures as will tend to a greater conservation of life. Any violation of this section shall constitute a misdemeanor, and shall subject the defendant to a fine of not less than $10 nor more than $50.

SEC. 16 (as am. by ch. 181, 1913). *Enforcement of quarantine laws.*—All laws pertaining to the reporting, recording, and quarantine of the diseases mentioned in section eighteen, and all laws pertaining to disinfection, shall be faithfully enforced by the quarantine officer. The county physician, county health officer, municipal physician, or municipal health officer shall be eligible to this office * * *.

SEC. 17 (as am. by ch. 181, 1913). *Quarantine rules, State board of health.*—Inland quarantine and disinfection shall be under the control of the quarantine officer, who shall faithfully enforce the rules and regulations governing quarantine and disinfection as prescribed by the local, county, or municipal board of health: *Provided*, That nothing in this section shall interfere with the execution of section twenty of this chapter: *Provided*, That the quarantine of ports shall not be interfered with, but the officers of the local and State board shall render all aid in their power to quarantine officers in the discharge of their duties, upon the request of the latter: *Provided further*, that any child or other person may remain in custody and care of parents or family. The failure on the part of the quarantine officer to perform the duties imposed in this section shall be a misdemeanor, and he shall be punished for each offense by a fine of not less than ten dollars nor more than fifty dollars.

SEC. 18 (as am. by ch. 181, 1913). *Penalty.*—If any person shall neglect or refuse to comply with the rules and regulations governing quarantine and disinfection, as prescribed by the local, county, or municipal board of health, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars nor more than fifty dollars, or imprisoned not less than ten days nor more than thirty days, at the discretion of the court. In case the offender be stricken with the disease for which he is quarantinable, he shall be subject to the penalty on recovery, unless in the opinion of the Secretary of the State Board of Health it should be omitted.

SEC. 19 (as am. by ch. 181, 1913). *Smallpox.*—On the appearance of a case of smallpox in any neighborhood, town, or city, the quarantine officer shall use all due diligence to warn the public of its existence and to notify the public of the proper means for preventing its spread; the said warning and notification to be according to the instructions of the State health officer. The board of health of any town, city, or county shall have authority to require children attending the public schools to present certificate of immunity from smallpox either through recent vaccination or previous attack of the disease. If any parent, guardian, school committee, principal, or teacher shall permit a child to violate such a requirement of the aforesaid authorities, he or she shall be guilty of a misdemeanor, and fined not less than ten dollars nor more than fifty dollars.

SEC. 20 (as am. by ch. 181, acts of 1913). *Reports, quarantine.*—Any householder who knows that a person within his family or house, and any physician

who suspects that a person whom he is called to treat is sick with yellow fever, bubonic plague, Asiatic cholera, or typhus fever, shall immediately give notice thereof to the quarantine officer, and the quarantine officer in turn shall immediately notify, by telegram, the secretary of the State board of health thereof. The secretary of the State board of health shall personally assume control of the quarantine of the aforesaid diseases and shall promulgate such rules and regulations governing their control as he deems wise. Anyone violating this section or the rules and regulations made by the secretary of the State board of health, as directed by this section, shall be, upon conviction, guilty of a misdemeanor and fined not less than fifty dollars ($50) nor more than two hundred dollars ($200) or imprisoned not less than ten (10) nor more than sixty (60) days.

SEC. 25. *Typhoid fever and cholera.*—* * * water companies shall cause to be made a sanitary inspection of any particular location on said watershed at least once in every week, whenever in the opinion of the board of health of the city or town to which the water is supplied, or, when there is no such local board of health, in the opinion of the county superintendent of health or in the opinion of the state board of healh, there is special reason to apprehend the infection of the water from that particular locality by the germs of typhoid fever or cholera.

SEC. 33. *State laboratory of hygiene, etc.*—For the better protection of the public and to prevent the spread of communicable diseases, there shall be established a State laboratory of hygiene, the same to be under the control and management of the State board of health, and it shall be the duty of the State board of health to have made in such laboratory monthly examinations of samples from all public water supplies of the State of all waters sold in bottle or other package, and of all spring waters that are maintained and treated as an adjunct to any hotel, park, or resort for the accommodation or entertainment of the public. The board shall likewise have made in this laboratory examinations of sputum in cases of suspected tuberculosis, or throat exudates in cases of suspected diphtheria, of blood in cases of suspected typhoid and malarial fever, of feces in cases of suspected hookworm disease, and such other examinations as the public health may require. For the support of the said laboratory the sum of $4,000 annually is hereby appropriated, and an annual tax of $64, payable quarterly, by each and every water company, municipal, corporate, and private selling water to the people * * *.

SEC. 35 (as am. by ch. 181, 1913). *Annual appropriations.*—For carrying out the provisions of this act as to the duties of the board of health $26,500, or so much thereof as may be necessary, is hereby annually appropriated, to be paid by the State auditor on requisition to be signed by the secretary and president of the State board of health, the same to be apportioned as follows: $4,000 to the State laboratory of hygiene, $8,000 to the campaign against hookworm disease, and $14,500 to the executive officer of the State board of health, and the printing and stationery necessary for the board to be furnished upon requisition upon the State printer: *Provided*, That $1,000 of this appropriation be used annually by the State board of health to arrange for a supply of diphtheria antitoxin, which shall be available to the citizens of this State at contract prices. A yearly statement shall be made to the governor of all moneys received and expended in pursuance of this act.

SEC. 39. *Contingent fund.*—A contingent fund of $5,000 is appropriated, subject to the auditor's warrant, upon the recommendation of the governor, to be expended in pursuance of the provisions of this act, when rendered necessary by the visitation of cholera or any other pestilential disease.

SEC. 4455. *County commissioners may levy special tax to protect, when.*—The board of county commissioners of each county is hereby authorized at any time to levy a special tax, to be expended under the direction of a committee composed of the chairman of the board of county commissioners and the county superintendent of health for the preservation of the public health.

SEC. 4458. *Powers of local boards not affected.*—Nothing in this chapter shall operate as a repeal or abridgement of powers conferred by any special act on any local board of health.

4506. *Inspectors appointed, when; residents of other States compelled to return, when.*—The board of health or, in case there is no board of health, the board of aldermen or town commissioners of a city or town or the sanitary committee of a county near to or bordering upon either of the neighboring States may appoint, by writing, suitable persons to attend at places by which travelers may pass from infected places in other States, who may examine such travelers as may be suspected of bringing any infection dangerous to the public health, and, if need be, may restrain them from traveling until licensed thereto by the board of health or board of aldermen or town commissioners of the city or town to which they may come. A traveler coming from such infected place who, without such license, travels within this State (except to return by the most direct route to the State whence he came) after he has been cautioned to depart by the persons so appointed, shall be isolated or ejected, at the discretion of the local city or town board of health or county sanitary committee: and all common carriers bringing into this State any such persons as named above are hereby required to return them to some point without this State, if required by a city, town board of health or county sanitary committee. Nothing in this section shall prevent the State Board of Health, in time of epidemics, from appointing such additional examiners as they may deem necessary to the preservation of the public health.

NOTE.—Violation of this section a misdemeanor. See sec. 3447.

4507. *When person quarantined.*—When a person coming to a city or town from abroad or from some other place in this State is infected or has lately been infected with either of the diseases mentioned in section 4508, the local board of health where such exists, otherwise the board of aldermen or board of town commissioners or county sanitary committee, shall make effective provision in the manner which it judges best for the safety of the inhabitants by removing such person to a separate house or otherwise, and by providing nurses and other assistance and necessaries, which shall be at the charge of the person himself or his parents, where able, otherwise at the charge of the city, town or county to which he belongs.

4509. *In cities having health officer.*—In any city or incorporated town having a regularly appointed medical health officer who is a member of the county board of health, the duties assigned in this section to the county superintendent of health shall be performed by the said medical health officer for the people of his city or town, and he shall be subject to the same penalties for dereliction of duty at the hands of the board of aldermen or town commissioners as are directed to be imposed by the county commissioners and county board of health upon the superintendent.

4460. *Police officers of towns to provide against contagious diseases.*—When an infectious disease shall be raging in any part of the State or in any part of the United States, the officers of police of any incorporated town who may have well-founded apprehensions that their town is in danger of being visited by such disease may take such precautionary measures and provide such pen-

alties for the breach of them as may seem necessary and proper, the expense of which they are authorized to defray out of any money at the time in their town treasury, or, if that should not be in a situation to sustain the expense, to borrow such sums as may be necessary to defray the same, and afterwards to raise the amount by tax on the inhabitants of such town over and above the ordinary taxes levied for the current expenses of the town.

[(a) Any householder in whose family there is to his knowledge a person sick of cholera or typhoid fever who shall permit the bowel discharges of such sick person to be emptied without first having disinfected them according to instructions to be obtained from the attending physician or the county superintendent of health shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $2 nor more than $25 or imprisoned not less than ten nor more than thirty days; and in cases where such undisinfected discharges are emptied on the watershed of any stream or pond furnishing the source of water supply for any public institution, city or town, the penalty shall be a fine of not less than $25 nor more than $50 or imprisonment for not more than thirty days; and any physician attending a case of cholera or typhoid fever who refuses or neglects to give the proper instructions for such disinfection as soon as the diagnosis is made shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than $10 nor more than $50.]

3454. *Travelers coming from infected places.*—The board of health or, in case there is no board of health, the board of aldermen or town commissioners of a city or town or the sanitary committee of a county near to or bordering upon either of the neighboring States may appoint, by writing, suitable persons to attend at places by which travelers may pass from infected places in other States, who may examine such travelers as may be suspected of bringing any infection dangerous to the public health, and, if need be, may restrain them from traveling until licensed thereto by the board of health or board of aldermen or town commissioners of the city or town to which they may come. A traveler coming from such infected place who, without such license, travels within this State (except to return by the most direct route to the State whence he came) after he has been cautioned to depart by the persons so appointed, shall be isolated or ejected, at the discretion of the local city or town board of health or county sanitary committee, and upon refusal to comply with the regulation of the said boards of health or either of them on this subject shall be guilty of a misdemeanor, and upon conviction shall be fined not less than $25 nor more than $50 or imprisoned not more than thirty days.

4453. *Children kept from school, when.*—The school committees of public schools, superintendents of graded schools and the principals of private schools shall not allow any pupil to attend the school under their control while any member of the household to which said pupil belongs is sick of either smallpox, diphtheria, measles, scarlet fever, yellow fever, typhus fever, cholera, mumps or itch, or during a period of two weeks after the death, recovery or removal of such sick person; and any pupil coming from such household shall be required to present to the teacher of the school the pupil desires to attend a certificate from the attending physician, city health officer or county superintendent of health of the facts necessary to entitle him to admission in accordance with the above regulations. The instructions in accordance with the provisions of this section given to the teachers of the schools within twenty-four hours after the receipt of each and every notice shall be deemed performance of duty on the part of the school committee.

3441. *Children exposed to contagious diseases not to attend schools.*—The school committees of public schools, superintendents of graded schools and the principals of private schools shall not allow any pupil to attend the school under their control while any member of the household to which said pupil belongs is sick of either smallpox, diphtheria, measles, scarlet fever, yellow fever, typhus fever, cholera [mumps or itch], or during a period of two weeks after the death, recovery or removal of such sick person; and any pupil coming from such household shall be required to present to the teacher of the school the pupil desires to attend a certificate from the attending physician, city health officer or county superintendent of health of the facts necessary to entitle him to admission in accordance with the above regulations. A willful failure on the part of any school committee, superintendent of a graded school or principal of a private school to perform the duty required in this section shall be deemed a misdemeanor, and upon conviction shall subject each and every member of the same to a fine of not less than $1 nor more than $25: *Provided*, that the instructions in accordance with the provisions of this section given to the teachers of the schools within twenty-four hours after the receipt of each and every notice shall be deemed performance of duty on the part of the school committee. Any teacher of a public school and any principal of a private school failing to carry out the requirements of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than $1 nor more than $25.

[Acts of 1913, ch. 173.]

SEC. 3. *School attendance.*— * * * in case of protracted illness of any child whose attendance is required under this act, or in case of quarantine of the home in which the child resides, upon report of the health officer or upon satisfactory evidence to this effect, the attendance officer shall excuse from attendance such child until he is fully restored to health or until the time required by law that he shall stay out of school after quarantine has been raised.

SEC. 1318. *County isolation hospitals.*—The board of commissioners of the several counties shall have power—

15. To establish public hospitals for the county in cases of necessity, and to make rules, regulations and by-laws for preventing the spread of contagious and infectious diseases, and for taking care of those afflicted thereby, the same not being inconsistent with the laws of the state; and to raise by taxation the necessary moneys to defray the charges and expenses so incurred.

SEC. 4556. *Hospital for insane.*—Every sheriff or other person bringing to a hospital (for the insane) a patient shall see that the patient is * * * free from contagious disease and vermin, * * *

SEC. 4591. The superintendent of the hospital (for the insane) may refuse to receive into his institution a patient when he shall have reliable information that the patient has recently been exposed to infectious or contagious disease, and there is danger of contagion and infection being conveyed by the patient, or where the patient comes from a quarantined community. * * *

[Laws of 1909, ch. 389.]

SECTION 1. *Diphtheria antitoxin.*—The North Carolina Board of Health is hereby authorized and directed to arrange for a sufficient supply of diphtheria antitoxin for the treatment therewith, free of charge, of indigent persons sick of diphtheria and for immunizing against infection such indigent persons as may be exposed to the disease, and to extend the facilities for making the diagnosis of the disease.

SEC. 2. *Distribution.*—The said board of health shall keep on hand in the State Laboratory of Hygiene a supply of reliable diphtheria antitoxin, and shall distribute through the said laboratory to the several counties of the State whenever the boards of county commissioners thereof shall request it, and shall notify the Secretary of the State Board of Health that they will pay for the same upon presentation of a bill, and shall designate the person or persons with whom it shall be deposited. The antitoxin shall be furnished at the lowest figure obtainable for a reliable preparation.

SEC. 3. Whenever a physician is called to a case of diphtheria in an indigent person or one in immediate need and unable to pay for antitoxin, he may obtain the same from one of the depositories or diphtheria stations by filling out and signing in duplicate blank requisition forms, to be supplied with the antitoxin by the said board of health, and presenting the same to the county superintendent of health or any member of the county sanitary committee or to such person as the said county sanitary committee may appoint, who, after satisfying himself as to the indigency of the person or persons for whom the antitoxin is intended, shall approve and countersign in duplicate the requisition. The person dispensing the antitoxin shall retain one copy of the requisition and shall mail the duplicate copy to the Director of the Laboratory of Hygiene. He shall also return to the said director all packages of antitoxin in his possession as soon as they become out of date.

SEC. 4. The provisions of this act shall apply to cities and towns upon the same conditions as it does to counties.

NORTH DAKOTA.

[Revised Codes, 1905.]

SEC. 255. *Powers, State board of health.*—The board (State board of health) shall have power and it shall be its duty:

3. To make and enforce all needful rules and regulations for the prevention and cure, and to prevent the spread of any contagious, infectious or malarial diseases among persons and domestic animals.

4. To establish quarantine, and isolate any person affected with contagious or infectious disease.

5. To isolate, kill or remove any animal affected with contagious or infectious disease.

9. To empower and direct the superintendent of public health to do or cause to be done any or all of the things mentioned in subdivisions 4, 5, 6, 7, and 8 of this section.

SEC. 257. *Reports.*—The superintendent of public health shall on the 1st day of December of each even-numbered year make a full report to the governor, which report shall show all that has been done by the State board of health and by such superintendent during the two years preceding the making of such report, the number of cases treated by him and in each county by the county superintendent, the character and extent during such time of all contagious or infectious diseases that have been reported to him, all expenditures by the State board, and in each of the organized counties by the county board and such recommendations as he may deem advisable for the better protection of the public health and the prevention and cure of contagious or infectious diseases of persons and of domestic animals.

[Acts of 1907, ch. 238.]

SECTION 1. *Public health laboratory.*—There is hereby established a public health laboratory. Such laboratory shall be established at the State University

and School of Mines. It shall be under the control and regulation of the trustees of the university and the professor of bacteriology and pathology at the same university shall be the director of said laboratory.

SEC. 2. *Duties of director.*—It shall be the duty of the director of said laboratory to make bacteriological examinations of bodily secretions and excretions, waters and foods, and make preparations and examinations of pathological tissues submitted by the State superintendent of public health, or by any county (superintendent) of public health, or by any regularly licensed physician of North Dakota. These analyses and preparations shall be made and the results furnished as expeditiously and promptly as the nature of the work and the equipment of the laboratory permits.

[Acts of 1907, ch. 270.]

SEC. 18. *Information as to diseases declared communicable.*— * * * He (the secretary of State board of health) shall inform all registrars what diseases are to be considered as infectious, contagious, or communicable and dangerous to the public health, as decided by the State board of health, in order that when deaths occur from such diseases proper precautions may be taken to prevent the spreading of dangerous diseases.

[Revised Codes, 1905.]

SEC. 260. *Duties of officers, county boards of health.*— * * * The county superintendent of health shall keep a record of all the proceedings of the board and of his official acts, and he shall at the end of every month make a full report in writing to the superintendent of public health of the proceedings of the county board of health, and of his official acts, and shall, whenever the health of persons or domestic animals is endangered, or when any contagious or infectious disease occurs in his county, either among persons or domestic animals, immediately report the same to the superintendent of public health.

SEC. 262 (as amended by ch. 59, acts of 1913). *Powers, county boards of health.*—The several county boards of health shall have power within their respective counties outside the corporate limits of cities having a city board of health, subject to the supervisory control of the State board of health and its secretary.

1. To supervise all matters relating to the preservation of life and health of the people, including public water supplies and sewerage systems, and have supreme authority in matters of quarantine which it may declare and enforce when none exists, and modify, relax or abolish when it has been established.

2. To isolate, kill or remove any animal affected with contagious or infectious diseases that is a menace to the health of human beings.

* * * * * * *

4. To make and enforce orders in local matters when emergency exists or when the local board of health has neglected or refused to act with promptness or efficiency, or when such board has not been established as provided by law, In such cases the necessary expense incurred shall be paid by the county for which the services are rendered. All expenses actually and necessarily paid or incurred by the county board of health in carrying out the provisions of this article, such as livery, hotel bills, quarantine guards, automobile hire, railroad fare, stamps, etc., shall be audited by the board and certified to the county commissioners, and shall be paid the same as other county expenses are paid.

SEC. 263 (as amended by ch. 59, acts of 1913). *Powers and duties of the superintendent.*—The county superintendent of health shall have charge of and superintend, subject to the supervisory control of the state board of health

all matters and things mentioned in Subdivisions 1, 2, 3 and 4 of Section 2 of this Act, throughout the county outside of the corporate limits of cities. He shall exercise supervisory control of the local boards of health within his county, known as village boards of health and township boards of health. He shall furnish at the expense of the county board of health all township and village clerks and all physicians within his jurisdiction with proper blanks for reporting to him all contagious and infectious diseases. He shall properly instruct the township and village clerks and the physicians within his jurisdiction on the proper methods to employ in reporting contagious diseases. He shall be charged with strict and thorough enforcement of the laws, rules and regulations to the end that the health of the people be conserved and protected. When it shall come to his notice or when he believes that there is a probability that a dangerous disease exists within his jurisdiction he shall make such sanitary inspection of such places as he may deem advisable, and shall take such action and enforce such rules and regulations as he may deem necesssary for the protection of the public health. Whenever a village board of health or township board of health within his jurisdiction neglects or refuses to perform any of its duties as specified in this Act or refuses or neglects to execute any of the orders or regulations of the county board of health, then the superintendent of said county board of health may execute its orders and regulations by agents of its own appointment. He shall have full and complete control, subject to the supervisory control of the state board of health, of all matters pertaining to public health outside the limits of incorporated cities within his county. He shall decide when quarantine and disinfection are necessary for the safety of the public and shall have power to establish and perform the same. All expenses incurred in quarantining or disinfecting outside of incorporated cities shall be audited by the county board of health and paid for out of the general fund of the county. He may send out circulars permitting the use of the long distance telephone at the expense of the county board of health, in all cases of emergency. He may also investigate, subject to the supervisory control of the state board of health, all public water and ice supplies which are suspected of being infected and cause them to be condemned whenever he finds it necessary. He may also investigate public milk supplies and prohibit the sale of unwholesome milk and dairy products, stop shipment of spoiled or unwholesome meat, the slaughtering of diseased animals and subsequent sale of the meat thereof. He shall enforce cleanliness in schools, inspect overcrowded, poorly ventilated and unsanitary school houses and when necessary report such cases to the board of inspection as provided in Section 80, Chapter 266 of the Session Laws of 1911. He shall by the tenth day of each month report to the secretary of the state board of health, on blanks furnished for that purpose, the name and address of each case of dangerous and contagious infectious diseases occurring in his jurisdiction for the preceding month, with the name of the party reporting the same together with a detailed statement of his official acts.

SEC. 267 (as amended by ch. 59, acts of 1913). *Duties, city board of health.*— * * * The secretary * * * shall see that the health ordinances of the city, the rules and regulations of the board and the rules and regulations of the State board of health and the health laws of the state are fully complied with throughout his jurisdiction and he is hereby charged with strict enforcement of the same. He shall properly instruct the physicians within his jurisdiction in the proper methods to employ in reporting contagious diseases and shall furnish said physicians with the necessary blanks for that purpose, such blanks to be of the form prescribed by the state board of health. He shall keep a record of all dangerous, contagious, and infectious diseases occurring

within his jurisdiction, which record shall show the name and address of the party affected, the name of the disease, by whom reported and such other statistical data as may be required by the state board of health. He shall by the tenth of each month report to the secretary of the state board of health on blanks furnished for the purpose all cases of dangerous, infectious and contagious diseases that have occurred within his jurisdiction during the preceding month, with such further data as may be required by the state board of health. The diseases that shall be regarded as infectious or contagious shall be those so designated in the rules and regulations of the state board of health.

SEC. 269. *Regulations.*—Each local board of health, within its jurisdiction, may examine into all * * * causes of sickness, and make such regulations regarding the same as it may judge necessary for the public health and safety of the inhabitants, and every person who shall violate any published order or regulation made by any board of health shall be guilty of a misdemeanor and punished by a fine not exceeding $100 or by imprisonment in the county jail not exceeding 30 days, or both.

SEC. 270. *Public notices.*—Notice shall be given by each local board of health of all general orders and regulations made by them by publishing the same in some newspaper, if there is one published within the jurisdiction of such board; if there is none, then by posting such orders and regulations in five public places therein, and such publication of such orders and regulations shall be deemed a legal notice to all persons.

SEC. 275 (as amended by ch. 59, acts of 1913). *Reports.*—Whenever it shall come to the knowledge of any physician or other person that a case of tuberculosis, typhoid fever or any other dangerous infectious disease exists within the jurisdiction of any county or city board of health, he shall immediately report to the superintendent of the county board of health or to the city health officer in whichever jurisdiction the case may be, the name and place of residence, if known, of every person afflicted with such disease, and if he is the attending physician of such person he shall report not less than twice in each week the condition of each person so afflicted with the state of such disease.

SEC. 276. *Reports of deaths.*—It shall be the duty of each practicing physician in this state to report in writing to the local board of health the death of each of his patients, who shall have died within the jurisdiction of such board of any contagious, infectious or epidemic disease. Such report shall be made within twenty-four hours after such death and shall state the specific name and character of such disease.

SEC. 277. *Householders to report.*—Each keeper of any private house, boarding house, lodging house, inn or hotel shall report in writing to the local board of health within whose jurisdiction the same may occur each case of contagious, infectious or epidemic disease which may occur in his house, inn or hotel; such report shall be made within twenty-four hours after the existence of such disease shall become known to such person, and shall state the name of each person afflicted with such disease and the nature thereof.

SEC. 278. *Removal permits.*—No person shall without a permit from the local or state board of health carry or cause to be removed from without this state to this state, or from one building to another within this state, or from or to any car or vessel, any person afflicted with any contagious, infectious or epidemic disease, or the body of any person who died of such disease.

SEC. 279. *Vaccination compulsory.*—Each parent or guardian having the care, custody or control of any minor or other person shall cause such minor or other person to be vaccinated.

SEC. 280. *Exclusion from school.*—No principal, superintendent or teacher of any school, and no parent or guardian of any minor child, shall permit any

child having scarlet fever, diphtheria, smallpox, whooping cough, measles or any other dangerous, infectious or contagious disease, or any child residing in any house in which any such disease exists or has recently existed to attend any public or private school until the local board of health shall have given permission therefor.

SEC. 282. *Duties of local boards of health.*—It shall be the duty of each local board of health, whenever it shall come to its knowledge that a case of smallpox, scarlet fever, diphtheria or other infectious or contagious disease exists within its jurisdiction, immediately to examine into the facts of the case and, if such disease appears to be of the character herein specified, such board shall adopt such quarantine and sanitary measures as in its judgment tend to prevent the spread of such disease, and may immediately cause any person infected with such disease to be removed to a separate house, if in the opinion of the health officer or superintendent of public health, such person can be so removed without danger to his health, and, if such infected person can not be removed without danger to his health, the local board shall make such quarantine regulations as it deems proper with reference to the house within which such infected person is, and in such cases may cause the persons in the neighborhood to be removed and take such other measures as it deems necessary for the safety of the inhabitants, and shall immediately notify the state board of health of the existence and nature of such disease and of the measures adopted by it with reference thereto.

SEC. 283. *Isolation hospitals.*—Each local board of health may provide such temporary hospital or place of retention for persons afflicted with infectious or contagious diseases as it judges best for their accommodation and the safety of the inhabitants, and all such hospitals and all private or other places in which exists any infectious or contagious disease shall during the existence of such disease be under the control and subject to the regulations of the local board of health and all the inmates of such house or other place during the existence of such disease therein must conform to the regulations and obey the instructions of such local board with reference thereto.

SEC. 284. *Destruction of infected articles.*—Any local board of health may cause to be destroyed any bed or bedding, clothing, carpets or other articles which have been exposed to infection from such infectious or contagious disease, and may allow reasonable compensation for the same, or may provide a proper place with all necessary apparatus and attendants for the disinfection of such articles and cause all such articles to be disinfected thereby, and may provide a carriage for the conveyance of such articles or of persons suffering from such contagious or infectious disease.

SEC. 285. *Local boards may employ assistants.*—Local boards of health may employ such persons as may be necessary to carry into effect the provisions of this article and the regulations established by them, and such physicians as they deem necessary, and provide such necessaries of life as in their judgment shall be needed for the maintenance, welfare and comfort of persons afflicted with contagious and infectious diseases. All expenses incurred by any local board of health in carrying into effect the provisions of this article, and in providing for the care and maintenance of such sick persons, and all expenses incurred under any of the provisions of this article, shall be audited and allowed by the board incurring the same; such expenses in case of township boards of health shall be certified to the township clerk and paid out of the general fund of the township, and in case of city boards of health shall be certified to the city auditor and paid out of the general fund of the city, and in case of county boards of health, shall be certified to the county auditor and paid out of the general fund of the county.

SEC. 286. *Cost of care.*—All expenses incurred by such boards of health for the care, medical attendance or support of any such sick person shall be a charge upon such person and upon the person legally chargeable with the support of such person, and may be collected by suit in the name of the township, city or county, which shall have incurred such expense; provided, however, that in cases where, after due investigation, such township or city board of health is satisfied that such sick person or the person legally charged with the support of such person is too poor to pay the expenses incurred in his behalf, then and in such cases the local board of health shall make an indorsement to such effect on the bill of expenses incurred in such case, and the clerk of such township or the city auditor of such city shall send a certified statement of such bill of expenses with the indorsement of such local board of health to the county auditor. Such statement shall contain the date upon which such claims were allowed, to whom allowed, for what purpose and the amount allowed, and an itemized statement of the expenses incurred. Upon receipt of such statement the county auditor shall refer the same to the county board of health, and if approved by the county board of health, the county auditor shall issue his warrant upon the county treasurer, payable out of the general fund of the county, the amount allowed by such township or city. Such warrant shall be made payable to the treasurer of such township or city, as the case may be.

SEC. 287. *Penalties.*—Any health officer superintendent of public health or any member of any local board of health, who shall neglect or refuse to perform any of the duties required to be performed by him under the provisions of this article, and any person who fails to comply with, or violates any of the provisions of this article, or neglects or refuses to conform to any rules, regulations or measures adopted by the local board of health within whose jurisdiction he shall at the time be and which shall have been published or shall have come to his knowledge, or refuses or neglects promptly to obey any orders, directions or instructions given to him by such board of health, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten or more than fifty dollars, or by imprisonment in the county jail not exceeding thirty days, or by both.

SEC. 288. *Records.*—The health officer of each city, the clerk of each civil township, and in counties not organized into civil townships, the county commissioner of such county for the district for which he was elected, and the superintendent of the county board of health of each county in the state, shall obtain and register the following facts concerning the * * * contagious and infectious diseases occurring therein, separately numbering and recording the same in the order in which he obtains them, designating in separate columns, viz: * * *; in the registry of infectious and contagious diseases, the name of the person affected, the sex, color and age of the person, the nature of the disease, and the date of record. The county auditor of each county shall furnish each officer within his county, charged with the duties herein provided, at the expense of the county, a book in which to register the facts concerning * * * infectious and contagious diseases as herein provided. The superintendent of each county board of health shall keep his records in the office of the county judge of said county.

SEC. 289. *Householders to report.*—Where no physician is employed, it shall be the duty of the parents to give notice to the proper officer within whose jurisdiction they reside, * * * of the presence of any infectious or contagious disease occurring within their household, within twenty-four hours, * * * and the oldest person next of kin, the keeper or other proper officer of every workhouse, poorhouse, reform school, jail, prison, hospital, asylum, or other

public or charitable institution, shall give like notice of any * * * infection or contagious disease occurring among the persons under his charge. Whoever neglects or refuses to give such notice within the period of twenty-four hours, * * * after the occurrence of such * * * infectious or contagious disease, shall upon conviction forfeit a sum not to exceed twenty dollars, to be collected as other fines are collected by law.

SEC. 290. * * * *Physicians to report.*—Any physician attending a case of infectious or contagious disease shall immediately notify the Health Officer within whose jurisdiction such disease exists, giving the name of patient, place of residence and the character of the disease, and shall in addition thereto, for the purpose of keeping the record of vital statistics complete, certify the facts to the clerk of the civil township within whose district such disease occurred, or in counties not organized into civil townships then to the County Commissioner having the proper jurisdiction, giving the name of the patient, place of residence, and character of the disease * * *. Any physician neglecting to perform the duties herein prescribed shall forfeit a sum not exceeding fifty dollars for each offence, to be collected as other fines are collected.

SEC. 291. *Records.*—It shall be the duty of the health officer of each city and the clerk of each organized civil township of each county in this state, and in counties not organized into civil townships, the county commissioner of such county for the district for which he was elected, to make and send a copy of the registry of * * * infectious and contagious diseases to the superintendent of the county board of health of each county in the state, not later than the tenth of each month, a certified copy of the registry of * * * infectious or contagious diseases occurring within the preceding month; and the superintendent of the county board of health of each county in this state, shall make and send to the state superintendent of health on or before the fifteenth day of each month, a copy of the records showing all * * * infectious or contagious diseases reported to him for the preceding month within his county. The county auditor shall furnish the proper blank for this purpose at the expense of the county. The health officer of each city shall receive for the making of such record and reporting the same, the sum of ten cents for each separate record of * * * diseases so made and reported as herein provided, to be paid out of the general fund of such city in the same manner as other bills and accounts against such city are allowed and paid. The clerk of each organized civil township of any county in this state shall receive for the making of such record and reporting the same the sum of ten cents for each separate record of * * * diseases so made and reported as herein provided, to be paid out of the general fund of such township in the same manner as other bills and accounts against such township are allowed and paid. In counties not organized into civil townships the county commissioner of such county for the district for which he was elected shall receive for the making of such record and reporting the same, the sum of ten cents for each separate record of * * * diseases so made and reported as herein provided, to be paid out of the general fund of said county in the same manner as other bills and accounts against said county are allowed and paid. Any officer charged with making and keeping the record of vital statistics, may upon application of any interested party, prepare a certified copy of any individual and separate record as required, for which he shall be entitled to collect a fee of twenty-five cents, to be paid by the person receiving the same. For neglecting such duties as are herein prescribed, the officer shall forfeit the sum of ten dollars for each offense, to be collected as other fines are collected by law.

SEC. 292. *Reports to State board.*—The superintendent of each county board of health shall on or before the fifteenth day of each month transmit to the

superintendent of state board of health upon blanks furnished him by the state board of health a certified copy of the registry of * * * infectious and contagious diseases which have occurred in said county within the calendar month immediately preceding, as reported to him by the officers charged with the collection of vital statistics within his county. For obtaining, registering and returning the facts herein required the county superintendent of health shall receive a sum of ten cents for each separate record of * * * infectious and contagious diseases so made and reported, to be paid out of the general fund of such county in the same manner as other bills and accounts against said county are allowed and paid. For neglect to perform such duties as are herein required the county superintendent of health shall forfeit a sum not exceeding fifty dollars for each offence to be collected as other fines are collected by law.

SEC. 3123. *Restrictions on travelers.*—When any person coming from abroad or residing in any city, town or village in this state is infected or lately has been infected with the smallpox or other contagious disease dangerous to the public health, the board of health of the city, town or village where such sick or infected person is, may immediately cause such person to be removed to a separate house if it can be done without danger to his health, and shall provide for such person a nurse, medical attendance and other necessaries, which shall be a charge in favor of such city, town or village against the person so provided for, his parents, guardian or master, if able, otherwise against the county to which he belongs, or the state if such person is a non-resident of the state.

SEC. 3124. *Quarantine in residence.*—If such infected person cannot be removed without danger to his health, the board shall make provision as directed in the preceding section, for such person in the house where he may be, and in such case it may cause the persons in the neighborhood to be removed; and may take such other measures as it deems necessary for the safety of the inhabitants.

SEC. 3125. *Hospitals.*—When a disease dangerous to the public health breaks out in any township, the board shall immediately provide such hospital or place of reception for the sick and infected as is judged best for their accommodation and the safety of the inhabitants, which shall be subject to the regulations of the board; and the board may cause any sick and infected person to be removed thereto, unless his condition will not permit such removal without danger to his health, in which case the house or place where he remains shall be considered as a hospital, and with all its inmates subject to the regulations of the board.

SEC. 9032. *Quarantine of vessels.*—Every master of a vessel subject to quarantine or visitation of the health officer, by the provisions of any law of this state, now in force or that hereafter may be enacted, arriving in any port or at the boat landing of any city or town in this state, who refuses or omits either:

1. To proceed with and anchor his vessel at the place assigned for quarantine, at the time of his arrival; or,

2. To submit his vessel, cargo and passengers to the examination of the health officer, and to furnish all necessary information to enable that officer to determine to what length of quarantine and other regulations they ought respectively to be subject; or,

3. To remain with his vessel at quarantine, during the period assigned for her quarantine and while at quarantine, to comply with the directions and

regulations prescribed by law, and with such as any of the officers of health, by virtue of the authority given them by law, shall prescribe in relation to his vessel, his cargo, himself, his passengers or crew, is punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding two thousand dollars, or both.

SEC. 9033. Every master of a vessel hailed by a pilot or such officer as may be specified by law, who either:

1. Gives false information to such pilot or other officer, relative to the condition of his vessel, crew or passengers, or the health of the place or places from whence he came, or refuses to give such information as shall be lawfully required; or,

2. Lands any person from his vessel, or permits any person, except a pilot or such officer specified by law, to come on board of his vessel, or unlades or transhipps any portion of his cargo before his vessel has been visited and examined by the proper health officers; or,

3. Approaches with his vessel nearer any city or town within this state than the place of quarantine to which he may be directed, is punishable by imprisonment in the county jail in which the offense was committed, not exceeding one year, or by a fine not exceeding two thousand dollars, or both such fine and imprisonment.

SEC. 9034. Every person who, being on board any vessel at the time of her arrival at any port within this state, under the provisions of section 9032, lands from such vessel, or unlades or transhipps, or assists in unlading or transhipping any portion of her cargo, before such vessel has been visited and examined by the health officer, is punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding two thousand dollars, or both.

SEC. 9035. Every person who goes on board or has any communication, intercourse or dealing with any vessel at quarantine, or with any of the crew or passengers of such vessel, without the permission of the health officer, and every person whom without such authority, enters the quarantine grounds or anchorage, is punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding two thousand dollars, or both; and in addition thereto he may be detained at quarantine so long as the health officer shall direct, not exceeding twenty days. And in case such person shall be taken sick of any infectious, contagious or pestilential disease, during such twenty days, he may be detained for such further time and in such place as the health officer shall direct.

SEC. 9036. *Violation of quarantine.*—Every person who, having been lawfully ordered by any health officer to be detained in quarantine, and not having been discharged, leaves the quarantine grounds or anchorage, or willfully violates any quarantine law or regulation, is guilty of a misdemeanor.

SEC. 9037. *Penalty.*—Every person who willfully opposes or obstructs any health officer or physician charged with the enforcement of the health laws, in performing any legal duty, is guilty of a misdemeanor.

SEC. 9038. *Penalty.*—Every person who willfully violates any provision of the health laws, the punishment for violating which is not otherwise perscribed by those laws or by this code, and every person who willfully violates or refuses or omits to comply with any lawful order, direction, prohibition, or regulation prescribed by any board of health or health officer, or any regulation lawfully made or established by any public officer under authority of the health laws, is punishable by imprisonment in a county jail not exceeding one year or by a fine not exceeding $2,000, or both.

SEC. 9067. *Public exposure.*—Every person who willfully exposes himself or any other person, being affected with any contagious disease, in any public place or thoroughfare, except in his necessary removal in a manner not dangerous to the public health, is guilty of a misdemeanor.

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[General Code, 1910.]

SEC. 1237. *General powers and duties State board of health.*—The State board of health shall have supervision of all matters relating to the preservation of the life and health of the people and have supreme authority in matters of quarantine, which it may declare and enforce, when none exists, and modify, relax, or abolish, when it has been established. It may make special or standing orders or regulations for preventing the spread of contagious or infectious diseases for governing the receipt and conveyance of remains of deceased persons, and for such other sanitary matters as it deems best to control by a general rule. It may make and enforce orders in local matters when emergency exists, or when the local board of health has neglected or refused to act with sufficient promptness or efficiency, or when such board has not been established as provided by law. In such cases the necessary expense incurred shall be paid by the city, village, or township for which the services are rendered.

SEC. 1238. *Enforcement of rules and regulations.*—Local boards of health, health authorities and officials, officers of State institutions, police officers, sheriffs, constables, and other officers and employees of the State, or any county, city, or township shall enforce the quarantine and sanitary rules and regulations adopted by the State board of health.

SEC. 1239. *Special duties of the board.*—The State board of health shall make careful inquiry as to the cause of disease, especially when contagious, infectious, epidemic or endemic, and take prompt action to control and suppress it. The reports of births and deaths, the sanitary conditions and effects of localities and employments, the personal and business habits of the people, and the relation of the diseases of man and beast shall be subjects of careful study by the board. It may make and execute orders necessary to protect the people against diseases of lower animals, and shall collect and preserve information in respect to such matters and kindred subjects as may be useful in the discharge of its duties, and for dissemination among the people. When called upon by the State or local governments, or municipal or township boards of health, it shall promptly investigate and report upon the water supply, sewerage, disposal of excreta of any locality, and the heating, plumbing, and ventilation of a public building.

SEC. 1241. *Chemical and bacteriological laboratory.*—The State board of health may establish and maintain a chemical and bacteriological laboratory for the examination of public water supplies and the effluent of sewage purification works, for the diagnosis of diphtheria, typhoid fever, hydrophobia, glanders, and such other diseases as it deems necessary, and for the examination of food suspected to be the cause of disease. The board shall examine and report each year the condition of all public water supplies.

SEC. 1242. *Secretary to have charge of laboratory.*—The secretary of the State board of health shall have charge of the laboratory authorized by the preceding section. The board may employ an assistant for the laboratory, who shall be a person skilled in chemistry and bacteriology and receive for his services such compensation as the board may allow. All expenses of such laboratory shall be paid from appropriations made for the board.

SEC. 1244. *Powers of board when local authorities fail to act.*—When a contagious or infectious disease becomes or threatens to become epidemic in a city, village, or township, and the local authorities neglect or refuse to enforce efficient measures for its prevention, the State board of health or its secretary, on the order of its president, may appoint a medical or sanitary officer and such assistants as he may require and authorize him to enforce such orders or regulations as the board or its secretary deems necessary.

SEC. 1245. *Annual conferences; expenses of delegates.*—The State board of health may make provision for annual conferences of health officers and representatives of local boards of health for the consideration of the cause and prevention of dangerous communicable diseases and other measures to protect and improve the public health. Each board of health or other body or person appointed or acting in the place of a board of health shall appoint a delegate to such annual conferences. The city village, or township shall pay the necessary expenses of such delegate upon the presentation of a certificate from the secretary of the State board that the delegate attended the sessions of such conferences.

SEC. 1247. *Prosecutions and proceedings.*—All prosecutions and proceedings by the State board of health for the violation of a provision of this chapter which the board is required to enforce, or for the violation of any of the orders or regulations of the board, shall be instituted by its secretary on the order of the president of the board. The laws prescribing the modes of procedure, courts, practice, penalties, or judgments applicable to local boards of health shall apply to the State board of health and the violation of its rules and orders. All fines or judgments collected by the board shall be paid into the State treasury to the credit of such board.

SEC. 1248. *Annual report.*—Each year the State board of health shall make a report to the governor, which must include so much of the proceedings of the board, such information concerning vital statistics and diseases, such instructions on the subject of hygiene for dissemination among the people, and such suggestons as to legislation as it deems proper. The board shall include in its annual report a full statment of all examinations made in its chemical and bacteriological laboratory, with a detailed account of all expenses so incurred.

SEC. 4410. *Ward or district physicians.*—Each ward or district physician shall care for the sick poor and each person quarantined in his ward or district when such person is unable to pay for medical attendance and for all persons sent from his ward or district to the municipal pesthouse when such persons are unable to pay for medical attendance.

SEC. 4413. *Orders and regulations.*—The board of health of a municipality may make such orders and regulations as it deems necessary for its own government, for the public health, the prevention or restriction of disease, and the prevention, abatement, or suppression of nuisances. Orders and regulations not for the government of the board, but intended for the general public, shall be adopted, advertised, recorded, and certified as are ordinances of municipalities, and the record thereof shall be given, in all courts of the State, the same force and effect as is given such ordinances.

SEC. 4414. *Penalty for violation.*—Whoever violates any provision of this chapter, or any order or regulation of the board of health made in pursuance thereof, or obstructs or interferes with the execution of such order, or willfully or illegally omits to obey such order, shall be fined not to exceed $100 or imprisoned for not to exceed 90 days, or both; but no person shall be imprisoned under this section for the first offense, and the prosecution shall always be as and for a first offense unless the affidavit upon which the prosecution is instituted contains the allegation that the offense is a second or repeated offense.

SEC. 4415. *Violation by a corporation.*—If such violation, obstruction, interference, or omission be by a corporation, it shall forfeit and pay to the proper municipality a sum not to exceed $300, to be collected in a civil action brought in the name of the municipality. Any officer of such corporation having authority over the matter and permitting such violation shall be subject to fine or imprisonment, or both, as heretofore provided. The judgment herein authorized being in the nature of a penalty or exemplary damage, no proof of actual damages shall be required, but the court or jury, finding other facts to justify recovery shall determine the amount by reference to all the facts, cuplatory, exculpatory, or extenuating adduced upon the trial.

SEC. 4418. *Fines and costs.*—In prosecutions under this chapter no deposits for costs shall be required. A judgment or verdict of guilty shall be immediately followed by sentence and execution thereof, unless suspended pending the preparation and allowance of a bill of exceptions. All fines collected under this chapter shall be paid to the treasurer of the municipality and credited to the sanitary fund of the board of health instituting the prosecution. No fine imposed in any prosecution under this section shall be remitted by the magistrate before whom the complaint is made.

SEC. 3392. *Powers, duties, and orders.*—The township board of health may make such orders and regulations as it deems necessary for its own government, for the public health, the prevention or restriction of disease, and the prevention, abatement, or suppression of all nuisances. All orders and regulations not for the government of the board, but intended for the general public, shall be adopted, recorded, and certified as are ordinances of villages; record thereof shall be given in all courts of the State the same force and effect as is given such ordinances, but the advertisements of such orders and regulations shall be by posting them in five conspicuous places within the township.

SEC. 3616. *Power, municipalities.*—All municipal corporations shall have the general powers mentioned in this chapter. * * *

SEC. 3646. *Contagious diseases.*—To provide for the public health, to secure the inhabitants of the corporation from the evils of contagious, malignant, and infectious diseases, and to purchase or lease property or buildings for pest houses, and to erect, maintain, and regulate pest houses, hospitals, and infirmaries.

SEC. 1243. *Boards of health, etc., to report contagious diseases.*—Boards of health, health authorities or officials, and physicians in localities where there are no health authorities or officials, shall report to the state board of health promptly upon the discovery thereof, the existence of any one of the following diseases: Asiatic cholera, yellow fever, smallpox, scarlet fever, diphtheria, membranous croup, typhus or typhoid fever, and such other contagious or infectious diseases as the state board specifies.

SEC. 4425. *Quarantine regulations.*—In time of epidemic or threatened epidemic, or when a dangerous communicable disease is unusually prevalent, the board of health after a personal investigation by the members or executive officer thereof to establish the facts in the case, and not otherwise, may impose a quarantine on vessels, railroads, stages, or other public or private vehicles conveying persons, baggage or freight, or used for such purpose. It may make and enforce such rules and regulations as such board deems wise and necessary for the protection of the health of the people of the community or state, but the running of any train or car on any steam or electric railroad, or of steamboats, vessels or other public conveyances shall not be prohibited. A true copy of such quarantine rules and regulations adopted by such board of health, shall be immediately furnished by it to the state board of health, and thereafter no

change shall be made except by the order of the state board of health or by the local board to meet a new and sudden emergency.

SEC. 4426. *When approval of State board necessary.*—The board of health shall not close public highways, prohibit travel thereon, interfere with public officers in the discharge of their official duties not afflicted with or directly exposed to a contagious or infectious disease, nor establish a quarantine of one city, village or township against another city, village or township, as such, without permission first obtained from the state board of health and under regulations established by the state board.

SEC. 4427. *Duty to give notice of prevalence of infectious diseases.*—Each physician or other person called to attend a person suffering from smallpox, cholera, plague, yellow fever, typhus fever, diphtheria, membranous croup, scarlet fever, or typhoid fever, or any other disease dangerous to the public health, or required by the state board of health to be reported, shall report to the health officer within whose jurisdiction such person is found, the name, age, sex and color of the patient, and the house and place in which such person may be found. In like manner, the owner or agent of the owner of a building in which a person resides who has any of the diseases herein named or provided against, or in which are the remains of a person having died of any such disease, and the head of the family, immediately after becoming aware of the fact, shall give notice thereof to the health officer.

SEC. 4428. *Duty of board thereafter.*—When complaint is made or a reasonable belief exists that an infectious or contagious disease prevails in a house or other locality which has not been so reported, the board shall cause such house or locality to be inspected by its health officer, and on discovering that such infectious or contagious disease exists, the board may, as it deems best, send the person so diseased to a quarantine hospital or other place provided for such persons, or may restrain them and others exposed within such home or locality from intercourse with other persons, and prohibit ingress and egress to or from such premises.

SEC. 4429. *Quarantine of person having or exposed to contagious disease.*—When a case of smallpox, cholera, plague, yellow fever, typhus fever, diphtheria, membranous croup, or scarlet fever is reported within its jurisdiction, the board of health shall at once cause to be placed in a conspicuous position on the house wherein such disease occurs a quarantine card having printed on it in large letters the name of the disease within, and prohibit entrance to or exit from such house without written permission from the board of health. No person shall remove, mar, deface or destroy such quarantine card, which shall remain in place until after the patient has been removed from such house, or has recovered and is no longer capable of communicating the disease, and the house and the contents thereof have been properly purified and disinfected by the board of health.

SEC. 4430. *Duration of quarantine.*—Each physician attending a person affected with any such disease shall use such precautionary measures to prevent the spread of the disease as is required by the board of health. No person quarantined by a board of health on account of having a contagious disease, or for having been exposed thereto, shall leave such quarantined house or place without the written permission of the board of health, and where other inmates of such house have been exposed to and are liable to become ill of any of such diseases, for a period thereafter counting from the completion of disinfection, as follows: In diphtheria or membranous croup, fourteen days; in smallpox, seventeen days; in scarlet fever, ten days; in cholera or yellow fever, seven

days; in typhus fever, twenty-one days. In cases of measles, chickenpox and whooping cough, or either of them, the board of health may require the same report of cases and may enforce the same quarantine and other preventive measures as are provided for in this chapter in cases of scarlet fever or diphtheria.

SEC. 4431. *Board may employ guards.*—The board of health may employ as many persons as it deems necessary to execute its orders and properly guard any house or place containing any person or persons affected with any of the diseases named herein, or who have been exposed thereto, and such persons shall be sworn in as quarantine guards, shall have police powers, and may use all necessary means to enforce the provisions of this chapter for the prevention of contagious or infectious disease, or the orders of any board of health made in pursuance thereof.

SEC. 4432. *Disinfection of house in which has been contagious disease.*—When a person affected with smallpox, yellow fever, typhus fever, diphtheria, membranous croup, or scarlet fever, has recovered and is no longer liable to communicate the disease to others, or has died, the physician shall furnish to the proper board of health a certificate of such recovery or death, and as soon thereafter as the board deems it advisable, its health officer or other person appointed for the purpose shall thoroughly disinfect and purify the house and contents thereof in which such person has been ill or has died, which disinfection and purification shall be done in accordance with the rules and regulations adopted and promulgated by the state board of health.

SEC. 4433. *Disinfection upon request; expenses.*—Upon the request of the owner or occupant of a dwelling house, or the head of a family, the board of health shall purify and disinfect any room which has been occupied by any person suffering from pulmonary tuberculosis, commonly called consumption, or room in which any person has died from such disease. The local board of health may purchase such disinfecting apparatus and supplies as it deems necessary for such purpose. The expenses of disinfection shall be paid by the local board of health.

SEC. 4434. *Destruction of infected property.*—Such board may destroy any infected clothing, bedding, or other article which can not be made safe by disinfection, and shall furnish to the owner thereof a receipt, of which it shall keep a full and accurate copy, for articles so destroyed, which receipt shall show the number, character, condition and estimated value of the articles destroyed. When a building, hut, or other structure has become infected with smallpox or other dangerous communicable disease, and can not, in the opinion of the board of health, be made safe by disinfection, the board may have such building, hut, or other structure appraised and destroyed.

SEC. 4435. *Compensation for property destroyed.*—The council of the municipality, upon the presentation of the original receipt or written statement of the appraisers for articles or houses so destroyed, shall pay to the owner thereof, or other person authorized by the owner to receive it, the estimated value of such destroyed articles, or such sum as the council deems just compensation therefor, and in the event the owner is not satisfied with the amount so allowed he may sue for the value thereof.

SEC. 4436. *Maintenance of person confined in quarantined house.*—When a house or other place is quarantined on account of contagious diseases, the board of health having jurisdiction shall provide for all persons confined in such house or place, food, fuel, and all other necessaries of life, including medical attendance, medicine and nurses, when necessary. The expenses so incurred, except those for disinfection, quarantine, or other measures strictly for the protection of the public, when properly certified by the president and clerk of the board of

health, or health officer where there is no board of health, shall be paid by the person or persons quarantined, when able to make such payment, and when not by the municipality in which quarantined.

SEC. 4437. *When person residing in quarantined house may attend public gathering.*—No person residing in or occupying a house in which a person is suffering from smallpox, cholera, plague, typhus fever, diphtheria, membranous croup, or scarlet fever, shall be permitted to attend any public, private, or parochial school or college or Sunday school, or any other public gathering, until the quarantine provided for in such diseases has been removed by the board of health. All school principals, Sunday school superintendents, or other persons in charge of such schools, are hereby required to exclude any and all such persons until they present a written permit of the board of health to attend or re-enter such schools.

SEC. 4438. *When a legal resident of another county.*—When a person with a contagious disease quarantined in a county is a legal resident of another county of the state, and is unable to pay such expenses, they shall be paid by the county in which he has a legal residence, if notice and a sworn statement of the amount of such expenses are sent to the infirmary directors of such county within thirty days after the quarantine in such case was discharged.

SEC. 4439. *Expense of quarantining county infirmary.*—The expenses for quarantining a county infirmary or other county public institution, shall be paid by the county when properly certified by the president and clerk of the board of health or health officer, where there is no board of health, of the municipality in which such institution is located.

SEC. 1. *Contagious or infectious disease in work camp.*—That any person, partnership, or corporation, that maintains any work camp, shall pay to any city, village, township or county in which said work camp is maintained, any and all expense caused by any contagious or infectious disease which shall originate or exist in said work camp.

SEC. 4440. *Disposal of bodies of persons dying of contagious diseases.*—Bodies of persons who have died of smallpox, cholera, plague, yellow fever, typhus fever, diphtheria, membranous croup, scarlet fever or other dangerous contagious or infectious disease, shall be buried or cremated within twenty-four hours after death, unless permission to do otherwise is given in writing by the board of health. No public or church funeral shall be held in connection with the burial of such person, and such body shall not be taken into any church, chapel or other public place. Only adult members of the family and such other persons as are actually necessary may be present at its burial or cremation.

SEC. 4441. *Admission of person suffering from contagious disease to certain institutions.*—No person suffering from, who has been exposed to, or is liable to become ill of, smallpox or other contagious disease or infectious disease may be sent to or admitted into a prison, jail, workhouse, infirmary, children's or orphans' home, state hospital or institution for the insane, epileptic, blind, feeble-minded or deaf and dumb or other state or county benevolent institution without first making known the facts concerning such illness or exposure to the superintendent, or other person in charge thereof. When smallpox or other dangerous, contagious or infectious disease is in a jail or prison and a prisoner therein exposed to such disease is sentenced to the penitentiary, such prisoner shall be confined and isolated in such jail or prison or other proper place, upon the order of the proper court, for such time as is necessary to establish the fact that he has not contracted such disease.

SEC. 4442. *Contagious disease in public institution.*—When smallpox, cholera, yellow fever, diphtheria, scarlet fever or other dangerous, contagious or in-

fectious disease appears in any state, county or municipal, benevolent, correctional or penal institution, the superintendent or manager thereof shall at once isolate the person or persons so affected and enforce the provisions of this chapter for the prevention of contagious diseases, so far as they may apply, and the rules, regulations and orders of the state board of health to that effect.

SEC. 4443. *Temporary buildings.*—The trustees or managers of any such institution may erect any necessary temporary building for the reception of such affected persons or for the detention of persons exposed to such diseases and may remove such persons to and confine them in such buildings.

SEC. 4444. *Removal of affected or exposed persons to hospital.*—Such trustees or managers may contract for the care, treatment or detention of any such persons with any corporation having a hospital or other proper place for the isolation or care of persons suffering from or exposed to contagious disease and may remove such persons to such hospital or place. In case of persons detained in an institution as punishment for crime, an order for such removal shall be obtained from the court which imposed such punishment. In an order for such removal, the court may require such provisions to be made for safely guarding the prisoner while in such hospital or place as it deems necessary.

SEC. 4445. *Effect of quarantine as to common carriers.*—When quarantine is declared, all railroads, steamboats, or other common carriers, and the owners, consignees or assignees of any railroad, steamboat, stage or other vehicle used for the transportation of passengers, baggage or freight, shall submit to any rules or regulations imposed and any examination required by a board of health or health officer. They shall submit to any examination required by the health authorities respecting any circumstance or event touching the health of the crew, operatives, or passengers and the sanitary condition of the baggage and freight.

SEC. 4446. *Penalty.*—Whoever, being an owner, consignee or assignee or other persons interested in any manner set forth in the preceding section, makes an unfounded statement or declaration respecting the points under such examination shall be subjected to the penalties provided by law for violations of the requirements of this chapter and the orders of the state or local boards of health.

SEC. 4447. *How quarantine rules shall apply.*—All rules and regulations passed by the board of health or health officer shall apply to all persons, goods or effects arriving by railroad, steamboat or other vehicle of transportation, after quarantine is declared.

SEC. 4448. *Board shall inspect schools and may close them and prohibit public gatherings.*—Semi-annually, and oftener if in its judgment necessary, the board of health shall inspect the sanitary condition of all schools and school buildings within its jurisdiction, and may disinfect any school building. During an epidemic or threatened epidemic, or when a dangerous communicable disease is unusually prevalent, the board may close any school and prohibit public gatherings for such time as it deems necessary.

SEC. 4450. *In case of epidemic municipality may borrow and levy tax therefor.*—In case of epidemic or threatened epidemic or during the unusual prevalence of a dangerous communicable disease, if funds are not otherwise available, the council of a municipality may borrow any sum of money that the local board of health deems necessary to defray the expenses necessary to prevent the spread of such disease. Such money may be borrowed until the next levy and collection of taxes is made, at a rate of interest not to exceed six per cent per annum. Thereupon the board may expend the amount so authorized to be

borrowed, which amount, or so much thereof as is expended, shall be a valid claim against the municipality from the fund so created.

SEC. 4451. *Duty of council to make levy.*—When expenses are incurred by the board of health under the provisions of this chapter, upon application and certificate from such board, the council shall pass the necessary appropriation ordinances to pay the expenses so incurred and certified. The council may levy and set apart the necessary sum to pay such expenses and to carry into effect the provisions of this chapter. Such levy shall, however, be subject to the restrictions contained in this title.

SEC. 12785. *Person with contagious disease in public place; infected property.*—Whoever, while suffering from smallpox, cholera, plague, yellow fever, diphtheria, membranous croup or scarlet fever, wilfully or unlawfully exposes himself in a street, shop, inn, theater or other public place or public conveyance, or, being in charge of a person so suffering, so exposes such sufferer, or gives, lends, sells, transmits or exposes without previous disinfection by the board of health, bedding, clothing, rags, or other thing, which have been exposed to infection from such disease, or knowingly lets for hire a house, room or part of a house in which a person has been suffering from such disease prior to the disinfection thereof by the board of health, shall be fined not more than one hundred dollars or imprisoned not more than ninety days, or both.

SEC. 12786. *First offense.*—A person violating the next preceding section shall not be imprisoned for the first offense, and the prosecution shall always be as and for the first offense unless the affidavit on which it is instituted contains a contrary allegation.

SEC. 4460. *Duty of dairyman or vendor of milk in case of certain diseases.*—In case scarlet fever, typhoid or other dangerous contagious or infectious disease should occur in the family of a dairyman or among his employes, or in a house in which milk is kept for sale, such dairyman or vender of such milk shall immediately notify the health officer of the municipality in which such milk is sold or offered for sale of the facts of the case, and the health officer may order the sale of such milk stopped pending an investigation and for such time thereafter as the board of health may require. The investigation shall be made without delay, and the board of health may make and enforce such orders as it deems necessary to prevent the sale of impure, adulterated and unwholesome milk or milk liable to carry disease.

SEC. 2500. *Antitoxin; physician may apply for.*—When a physician, regularly authorized to practice medicine under the laws of this state, is called upon to treat a person suffering from diphtheria who is in indigent circumstances, or a child suffering from diphtheria whose parents are in indigent circumstances, and he is of the opinion that antitoxin should be administered to such person or child or to others who may have been exposed to the contagion of such disease, he may make application to any health officer within the county therefor.

SEC. 2501. *County commissioners to furnish antitoxin.*—When satisfied of the indigent circumstances of the persons to be treated, such health officer shall certify the fact to the county commissioners and immediately authorize the attending physician or any druggist to furnish such antitoxin for the persons so to be treated. The antitoxin so furnished shall be paid for upon the allowance of the county commissioners from the general fund of the county.

SEC. 4452. *Hospital for dangerous contagious diseases.*—The council of a municipality may purchase land within or without its boundaries and erect thereon suitable hospital buildings for the isolation, care or treatment of persons suffering from dangerous contagious disease, and provide for the maintenance thereof. The plans and specifications for such buildings shall be approved by the board of health.

SEC. 4453. *Expense of such buildings; bond issue.*—If, at an election held for that purpose, two-thirds of the votes cast are in favor thereof, the council may issue bonds and apply the proceeds thereof to such purposes. Such bonds may not exceed in amount twenty-five thousand dollars, with a rate of interest not to exceed five per cent per annum and the principal shall be paid within ten years. After the erection of such buildings, the council each year may make such appropriations for their care, use and maintenance as in its judgment are necessary.

SEC. 4454. *Board of health shall have charge and control.*—Such buildings shall be under the care and control of the board of health. The board shall appoint all employes or other persons necessary to the use, care and maintenance thereof and regulate the entrance of patients thereto and their care and treatment.

SEC. 4455. *Who may be removed to such hospital.*—When a person, suffering from a dangerous contagious disease, is found in a hotel, lodging house, boarding house, tenement house or other public place in the municipality, the board of health, if it deems it necessary for the protection of the public health, may remove such person to such hospital, where all needful provisions shall be made for his care and treatment, and, if able, the expense so incurred shall be paid by him.

SEC. 4456. *Quarantine hospital.*—A municipality may establish a quarantine hospital within or without its limits. If without its limits, the consent of the municipality or township shall be first obtained, but such consent shall not be necessary if the hospital is more than eight hundred feet from any occupied house or public highway. When great emergency exists, the board of health may seize, occupy and temporarily use for a quarantine hospital, a suitable vacant house or building within its jurisdiction. The board of health of a municipality, having a quarantine hospital, shall have exclusive control thereof.

SEC. 4457. *Erection of buildings, destruction of property.*—The board of health may erect temporary wooden buildings or field hospitals deemed necessary for the isolation or protection of persons or freight supposed to be infected, and may employ nurses, physicians and laborers sufficient to operate them and sufficient police to guard them. Such board may cause the disinfection, renovation or destruction of bedding, clothing or other property belonging to corporations or individuals when such action is deemed necessary by the board or a reasonable precaution against the spread of contagious or infectious diseases.

[Acts of 1913, p. 184.]

SECTION 1. *Occupational diseases.*—Every physician in this State attending on or called in to visit a patient whom he believes to be suffering from poisoning from lead, phosphorus, arsenic, brass, wood alcohol, mercury, or their compounds, or from anthrax, or from compressed air illness, or any other ailment or disease, contracted as a result of the nature of the patient's employment, shall within 48 hours from the time of first attending such patient send to the State board of health a report stating:

(*a*) Name, address, and occupation of patient.

(*b*) Name, address, and business of employer.

(*c*) Nature of disease.

(*d*) Such other information as may be reasonably required by the State board of health.

The reports herein required shall be made on, or in conformity with, the standard schedule blanks hereinafter provided for. The mailing of the report,

within the time required, in a stamped envelope addressed to the office of the State board of health, shall be a compliance with this section.

SEC. 2. The State board of health shall prepare and furnish, free of cost, to the physicians included in the preceding section, standard schedule blanks for the reports required under this act. The form and contents of such blanks shall be determined by the State board of health.

SEC. 3. Reports made under this act shall not be evidence of the facts therein stated in any action arising out of the disease therein reported.

SEC. 4. It shall furthermore be the duty of the State board of health to transmit a copy of all such reports of occupational disease to the proper official having charge of factory inspection.

[Acts of 1913, p. 819.]

SECTION 1. *General duties of employers.*—Every employer shall, without cost to the employees, provide reasonably effective devices, means and methods to prevent the contraction by his employees of illness or disease incident to the work or process in which such employees are engaged.

SEC. 9. *Penalties.*—Every employer who either personally or through any agent violates or fails to comply with any provision of section 1 or section 3 shall be guilty of a misdemeanor, and on conviction for the first offense shall be fined not less than $100 nor more than $200, and on conviction for the second offense not less than $200 nor more than $500, and on conviction for each subsequent offense not less than $300 nor more than $1,000, and in each case he shall stand committed until such fine and the costs are paid, or until he is otherwise discharged by due process of law.

OKLAHOMA.

[Snyder's Compiled Laws, 1909.]

SEC. 341. *Powers and duties State board of health.*—The State commissioner of health shall have power to make and enforce any and all needful rules and regulations for the prevention and cure and to prevent the spread of any contagious, infectious, or malarial diseases among persons. To establish quarantine and isolate any persons affected with contagious and infectious diseases. To remove or cause to be removed any dead, decaying, or putrid body, or any decayed, putrid, or other substance that may endanger the health of persons or domestic animals. To condemn or cause to be destroyed any impure or diseased article of food that may be offered for sale. To superintend the several boards of health in the counties, cities, villages, towns, and townships. To establish rules and regulations for the keeping and reporting of all vital statistics, births, deaths, marriages, and divorces as provided by this act.

SEC. 342. *Regulations.*—It shall be the duty of the State board of health, under the provisions of this act, to quarantine against outside territory known to be infected with contagious or infectious diseases; to take charge of districts or localities in the State infected with any contagious disease and enforce such rules and prescribe such measures as it may deem necessary to prevent the spread of the same or to suppress it; to take proceedings to have a nuisance calculated to affect injuriously the health of the public or any community abated; to take cognizance of the interest of health and life among the citizens of the State, make sanitary investigations and inquiries relative to the cause of disease and especially of epidemics, the source of mortality and the effects of localities, employment, conditions, and circumstances on the public health; to investigate the sanitary conditions of schools, prisons, public institutions,

mines, railroads and street cars, and all buildings and places of public resort, and to recommend, to prescribe, and enforce such measures of sanitation for them as it may be deemed advisable; to advise the State and all local governments in all hygienic matters; to act in conjunction with city, town, and township boards of health; and to make a report in writing to the governor 20 days preceding each regular and special session of the legislature upon the sanitary condition, prospects, and needs of the State, setting forth the action of the board, all its expenditures since the last preceding report, and such other matters as it may deem proper for the promotion of health or the prevention of disease, which said report shall be laid before the legislature by the governor at its ensuing term.

SEC. 344. *Laboratory.*—The board of health shall establish and maintain a chemical and bacteriological laboratory for the examination of public water supplies, such examination shall be made at least every three months, the effluent of sewerage, purification work, and for the diagnosis of diphtheria, typhoid fever, hydrophobia, and all contagious and infectious diseases, and such other diseases as they may deem necessary, and for the examination of food suspected to be the cause of disease. That the said chemical and bacteriological laboratory, as herein provided, shall be established and maintained at the University of the State of Oklahoma in connection with the regular department of chemistry and the department of bacteriology. The said board of health shall have the control and supervision under such rules and regulations as it may adopt over the work required to be performed under the provisions of this act, and such rules and regulations as it may prescribe to be done by said laboratory. Such work shall be done by and under the direction of the professor of the department of chemistry and the professor of the department of bacteriology of said university.

[Acts of 1913, ch. 239.]

SEC. 1. *Appropriation.*—There is hereby appropriated out of the treasury of the State of Oklahoma from moneys not otherwise appropriated the following sums for the purposes herein mentioned, or so much thereof as may be necessary, and no other; * * *

[P. 627.]

State board of health.

	1914	1915
* * * * *	*	*
Board of health fund:		
For the purchase and distribution of biological products known as curatives and preventatives in the treatment of diphtheria and meningitis, and for the Pasteur treatment of hydrophobia and for vaccine for smallpox and typhoid fever to be distributed to the indigents of the State upon application made to the State commissioner of health, upon blanks prescribed by the State board of health. Distributions to be made through at least one drug store in each county	$7,500.00	$7,500.00
Contingent expenses, contagious and infectious diseases	15,000.00	15,000.00
* * * * *	*	*

[Snyder's Compiled Laws.]

SEC. 345. *County superintendents of health.*—* * * Said county superintendent of public health shall have power to abolish nuisances that are dangerous to public health, to isolate persons affected with dangerous and contagious diseases, and to do such other things with the approval of the State board of health as may be deemed necessary for the preservation of the public health within said county: * * *

SEC. 35 (as amended by ch. 81, acts of 1911). * * * should an emergency exist on account of dangerous epidemics, the county superintendent of public health and the board of county commissioners may make such provisions, rules, and regulations as may be necessary under such conditions to prevent the spread of such dangerous epidemic, and shall have full power to compel submission to any rules and regulations that they may deem for the best interests of their community to stamp out or prevent the spread of such epidemic. In addition thereto the board of county commissioners may allow and pay the actual and necessary expenses contracted in the discharge of the duties of the superintendent of public health when attempting to control and prevent the spread of any epidemic.

SEC. 346. *Township boards of health.*—In each township in each county of the State, the board of directors shall be and are hereby constituted a township board of health. The said board of directors when acting as township board of health shall be under the supervision of the county superintendent of public health, and shall be governed by such rules and regulations as may be prescribed by the State board of health in relation to the public health, and they shall have the power and it is hereby made their duty to enforce such rules and regulations pertaining to quarantine or contagious and infectious disease under the direction of the county superintendent of public health.

SEC. 348. *City boards of health.*—In cities of the first class in each county in this State the mayor and common council shall constitute a board of health, said mayor and councilmen shall have the power, and are hereby authorized, to appoint a city superintendent of public health, who shall be a regularly licensed and practicing physician in good standing and of good moral character, and a resident of said city. The said mayor and council shall have the power, and it is hereby made their duty, to enforce all the rules and regulations in regard to the public health therein, and to establish and maintain quarantine under the supervision of the city superintendent of public health as prescribed by the rules and regulations of the State board of health to all contagious and infectious diseases.

SEC. 351. *Public health orders, how served.*—Orders made and issued by the county superintendent of public health, or the township or town board of health, may be served by the sheriff of the county or any of his deputies, or by the constable of such township or any of their deputies, or by any person a resident of said county authorized so to do by the president, or in his absence any member of the township board of directors. Orders made and issued by the county superintendent of public health or the town board of health may be served by the sheriff of the county or any of his deputies, or by the town marshal or any peace officer of the town, or any person authorized so to do by the president of the board of directors, or in his absence any member of the said board of directors of said town. Orders made and issued by the city superintendent of public health, or the mayor and council as the city board of health, may be served by the city marshal, or the chief of police of said city or any policeman or other peace officer of said city, or any constable of said city, or any person deputized by the mayor, or in his absence by the president of the council, and any such officer herein authorized to serve such orders as herein provided, or any person deputized to serve such orders as herein provided, shall have all the powers of a peace officer in the performance of his duties.

SEC. 371. *Power of appeal from acts of health boards.*—Any person who has been aggrieved by any act, rule, or regulation of any of said boards of health

shall have their right of action to have such issue tried in the district court of the county in which some member of the board shall reside.

SEC. 349. *Reports; quarantine.*—It shall be the duty of all practising physicians in each county to make a report to the county superintendent of public health for said county upon forms as prescribed and furnished by the state board of health, of all the cases of infectious and contagious diseases. Such report shall be made by said physician as soon as the disease is discovered and upon failure on the part of the physician to so report said disease as herein provided, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than ten dollars and not more than twenty-five dollars. Upon receiving the said report it shall be the duty of the county superintendent if such contagious and infectious disease exists in a township or town, to issue an order of quarantine to the board of health, as herein created, in such township or town in such form as may be stipulated by the rules and regulations of the state board of health, requiring such township or town board of health to serve a true copy of said order of quarantine upon such person or persons, having such contagious or infectious disease, and upon the person having charge of such person or persons, in the same manner as criminal processes are served, and thereupon said person having such contagious or infectious disease shall be, by said township or town board of health, isolated and confined and all other persons exposed to said infectious and contagious disease shall, at the discretion of said township or town board of health, be also isolated and confined, and any person having such disease or exposed to such infectious or contagious disease who shall leave the place where he has been isolated by any township or town board of health, or any officer or other person acting under any order of the said township or town board of health, without the consent of the said board of health, shall be deemed guilty of a misdemeanor and shall be fined not less than twenty-five dollars and not to exceed one hundred dollars. Any person confined or isolated by order of a township or town board of health shall not be released or relieved of such isolation or quarantine without an order from the county superintendent of public health made to the township or town board of health. Whenever a physician discovers a case of infectious disease he shall have the power, and it is hereby made his duty, to place into effect a temporary quarantine under such rules and regulations as prescribed by the state board of health, and until the proper authority can order a quarantine, and the penalty herein provided for the violation of a township or town quarantine shall be enforced against the violation of a quarantine order made by such physician.

SEC. 350. *Reports; quarantine.*—It shall be the duty of any practising physician in cities of the first class, in counties of this state, to make a report to the city superintendent of public health, upon forms prescribed and furnished by the state board of health, of all cases of infectious and contagious diseases, as soon as discovered by him or coming to his knowledge. Any failure upon the part of said physician to report said disease as herein provided, shall be deemed guilty of misdemeanor, and upon conviction thereof, shall be fined in the sum of not less than twenty-five dollars nor more than one hundred dollars. Upon the receiving of said report it shall be the duty of the city superintendent of public health to issue an order of quarantine to the mayor of said city, or such form as may be stipulated by the rules and regulations of the state board of health, requiring such mayor to serve a true copy of said order of quarantine upon such person or persons having such contagious or infectious disease, and upon the person having charge of said person or persons in the same manner as criminal processes are served. Thereupon said person having such contagious or infectious

disease shall be, by said mayor and council composing such board of health, isolated and confined, and all other persons exposed to such contagious disease, shall at the discretion of the board of health be isolated and confined, and any person having such disease or so exposed to such contagious or infectious disease where he has been isolated by said board of health, any officer or any other person acting under any order of the said city board of health, without the consent of said board, he shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars. Any person confined or isolated by order of said city board of health, shall not be released or relieved of such isolation or quarantine without an order from the city superintendent of public health made to the city board of health. It shall be the duty of said city superintendent of public health to make a full report from time to time to the State board of health as to all cases of contagious and infectious diseases existing within said city at such times and under such rules and regulations, that said state board of health may require. Whenever a physician in a city of the first class discovers a case of contagious or infectious disease, he shall have the power, and it is hereby made his duty to place into effect a temporary quarantine under such rules and regulations as prescribed by the state board of health, and until the proper authorities can order a quarantine, and the penalties herein provided for the violation of a quarantine shall be in force against the violation of quarantine orders made by such physician.

Sec. 354. *County superintendents of public health to enforce state board rules.*—It is the duty of the county superintendent of public health to enforce the rules and regulations of the state board of public health in the prevention of the spread of all infectious, contagious or epidemic diseases in his county, to investigate and examine into the causes thereof and to recommend rules and regulations to remedy the same, and to do such other things, in carrying out the purpose and object of its creation as the state board of health may lawfully require of him.

Sec. 355. *Duties State commissioner of health.*—Upon receiving information that there is any case of infectious or contagious disease in this state, the state commissioner of health, if upon investigation he deems it necessary, or some competent physician or health officer ordered by him, shall proceed immediately to said place and investigate the reported case and take such legal steps as he may deem necessary to protect the public health of the state of such locality. It is his duty to impose and enforce all proper restriction upon the ingress and egress of such infected locality and to control the population of such infected locality as to the dispositon thereof, as shall best protect it and at the same time prevent the spreading of the infection. But this shall not prevent passengers from being transferred under guard from one railroad to another, at railroad junction, and all expenses incurred by said state commissioner of health or other physician directed by him to act in his place, as herein provided, in the performance of his duties, as provided in this section, shall be paid by the state.

Sec. 356. *Assistance by officials.*—The State commissioner of health, and the county superintendent of public health in each county shall have the right, and it shall be their duty to call upon the sheriff of the county, or any constable of the county or the chief of police or marshal of any municipalities, where any contagious or infectious disease is discovered, or located, to assist in the isolation and quarantine of the person having such contagious and infectious disease, and all persons exposed to said disease and liable to spread said disease, and it shall be the duty of any such officer to assist such health officer and to

arrest any and all persons, with or without warrants, who violate any of the rules prescribed by the state board of health in reference to quarantine regulations.

SEC. 357. *Governor may employ militia.*—The governor may, if he deems it wise and proper to do so, furnish the state board of health with requisite means to enforce its quarantine regulations, including such armed forces from National Guards or Militia of the State as he may in his judgment believe necessary; provided, however, that they shall at all times be under the direction and command of the governor.

SEC. 359. *Removal, prisoners.*—If a prisoner in a jail, house of correction or work house, has a disease which in the opinion of any county or city superintendent of public health, or such other physician as they or either of them may consult, is dangerous to the safety and health of other prisoners or of the inhabitants of the town or city, such county or city superintendent of public health shall, in writing, direct his removal to the hospital or such other place of safety, there to be provided for and securely kept until it is further ordered. If he recovers from the disease he shall be returned to his former place of confinement. If the person so removed has been committed by order of court or under judicial process, the order for his removal, or a copy thereof attested by the health officer ordering such removal shall be returned by him, with the doings thereon, into the court from which the process of commitment was issued.

SEC. 2468. *Violation, quarantine.*—Every person who having been lawfully ordered by any health officer to be detained in quarantine and not having been discharged leaves the quarantine grounds or wilfully violates any quarantine law or regulation, is guilty of a misdemeanor.

SEC. 2469. *Obstructing health officer.*—Every person who willfully opposes or obstructs any health officer or physician charged with the enforcement of the health laws, in performing any legal duty, is guilty of a misdemeanor.

SEC. 2470. *Violating health laws.*—Every person who willfully violates any provision of the health laws, the punishment for violating which is not otherwise prescribed by those laws, or by this chapter, and every person who willfully violates or refuses or omits to comply with any lawful order, direction, prohibition or regulation prescribed by any board of health or health officer, or any regulation lawfully made or established by any public officer under authority of the health laws, is punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding two thousand dollars.

SEC. 2491. *Public exposure.*—Every person who willfully exposes himself or another person, being affected with any contagious disease in any public place or thoroughfare, except in his necessary removal in a manner not dangerous to the public health, is guilty of a misdemeanor.

SEC. 2766. *Inoculating smallpox or venereal disease.*—Any person who shall inoculate himself or any other person or shall suffer himself to be inoculated with smallpox or syphilis or gonorrhoea and shall spread or cause to be spread to any other persons with intent to or recklessly be responsible for the spread of prevalence of such infectious disease, shall be deemed a felon, and upon conviction thereof shall be punished by imprisonment in the state prison not more than five years nor less than two years.

OREGON.

[Lord's Laws, 1910.]

SEC. 4687. *Powers and duties, state board of health.*—The State board of health shall have general supervision of the interests of the health and life of citizens of the State. It shall keep the vital statistics of the State and make

sanitary investigations and inquiries respecting the causes and prevention of diseases, especially of epidemics, including those of domestic animals. It shall study the causes of mortality and the effect of localities, employments, conditions, foods, beverages, habits, and circumstances of the health of the people. It shall make, and is hereby empowered to enforce, such quarantine regulations as seem best for the preservation of the public health, and it shall be the duty of all police officers, sheriffs, constables, and all county officers and employees of the State to enforce such regulations, subject to the authority of the health officer.

SEC. 4690. *Duties of secretary.*—The secretary * * * shall, so far as practicable, communicate with the other State boards of health and with the county boards of health within the State; * * * and give such instructions as may be necessary and forward them to the various health officers of the county boards of health throughout the State. He shall collect information concerning vital statistics, knowledge respecting diseases, and all useful information on the subject of hygiene, and through an annual report and otherwise as the board may direct shall disseminate such information among the people.

SEC. 4692. *Annual appropriation for expenses.*—The sum of $15,000 per annum, or so much thereof as may be deemed necessary by the State Board of Health, is hereby appropriated annually to pay the salary of the secretary and any clerical services that he may require, and to meet the contingent expenses of the office of the secretary, and to provide for his traveling expenses, and to provide for the salary of a bacteriologist and to equip and maintain a laboratory and to meet the expenses of the members of the board; * * * and it shall be levied and collected as other State taxes are collected and paid into the State Treasurer [treasury] and kept separate and apart from other funds, and shall be known as the "State Board of Health Fund."

SEC. 4693. *State board of health when to abate nuisances—Penalty for violation of its orders.*—In cities, districts, and places having no local boards of health, or in case the sanitary laws or regulations in places where boards of health or health officers exist should be imperative [inoperative], the State board of health shall have power and authortiy to order * * * the cause of any special disease or mortality to be abated and removed. Any person who shall fail to obey or shall violate such order shall, on conviction, be sentenced to pay a fine of not more than $100, at the discretion of the court.

[Acts of 1913, ch. 181.]

SECTION 1. *Epidemic fund.*—There is hereby annually appropriated from any funds in the general fund of the State treasury not otherwise appropriated, the sum of five thousand dollars ($5,000) to be used for the prevention of the spread of bubonic plague, cholera and other menacing Asiatic diseases now prevalent in China, which through the channels of commerce, today seriously threaten the health and welfare of the State of Oregon. For the purpose of carrying out the intent of this act, the secretary of state is hereby authorized to draw his warrant for the sum so appropriated in such form and in such amounts as the State board of health may direct.

[Acts of 1913, ch. 182.]

SECTION 1. *Venereal-disease fund.*—There is appropriated out of any moneys in the general fund in the State treasury not otherwise appropriated the sum of $10,000 for the year 1913 and $10,000 for the year 1914, for the aid of the Oregon Social Hygiene Society in making an educational campaign throughout

the State of Oregon in the interest of social and sex hygiene, and for the prevention of social evils and venereal diseases.

SEC. 2. The said sum shall be paid to the treasurer of the Oregon Social Hygiene Society in eight quarterly payments, on the last day of March, June, September, and December of each year.

[Lord's Laws, 1910.]

SEC. 4695. *County and city boards of health, how constituted and maintained.*—The county judge and county commissioners, and the mayor and common council of each incorporated city, except where a regularly constituted board of health by statute or by ordinance of such city exists or may hereafter be created, shall constitute a board of health ex officio, for each county and city, respectively, of the State, whose duty it shall be to protect the public health by the removal of causes of diseases when known, and in all cases to take prompt action to arrest the spread of contagious and infectious diseases. * * * and perform such other duties as may from time to time be required of them by the State board of health pertaining to the health of the people. * * * All county or city health officers shall possess the powers of constables or other peace officers in all matters pertaining to the public health.

SEC. 4696. *Local boards subordinate.*— * * * it shall be the duty of the secretary of such county boards to report such facts and statistics as may be required under instructions and in accordance with blanks furnished by the State board to the secretaries of the county boards of health in which such city boards of health are subordinate. It shall be the duty of the county boards of health to enforce all rules and regulations of the State board of health in their respective counties, which may be issued from time to time for the preservation of the public health and for the prevention of endemic, epidemic, and contagious diseases * * *.

SEC. 4714. *Quarantine by boards of health.*—The State board of health or the board of health of any incorporated city or village in time of epidemic or threatened epidemic, or when any dangerous communicable disease is unusually prevalent, may, after a personal investigation by the members or member or the executive officer of such board to establish the facts in the case, and not otherwise, impose a quarantine on vessels, railroads, stages, or any other public or private vehicle or vehicles conveying persons, baggage, or freight, or used for such purpose, and may make and enforce such rules and regulations as such board may deem wise and necessary for protection of the health of the people of the community or State: *Provided, however,* That the running of any train or any cars on any steam or electric railroad, or of steamboats, vessels, or other public conveyance shall not be prohibited.

SEC. 4715. *Regulations of local board may be altered by State board.*—A true copy of such rules and regulations, when established by a local board of health, after submission to the State board of health, may be altered, relaxed, or abolished by order of the State board, and thereafter no changes shall be made except by the State board of health or by the local board to meet some new and sudden emergency.

SEC. 4716. *Placarding; quarantine.*—It shall be the duty of the county or municipal board of health, when a case of smallpox, cholera, plague, yellow fever, typhus fever, diphtheria, membranous croup, or scarlet fever, to at once cause to be placed in a conspicuous place on the house where any of the aforesaid diseases occur, a quarantine card or flag having printed on it in large letters the name of the disease within, and if smallpox the color shall be yellow, diphtheria green, scarlet fever red, and all other diseases white, and to prohibit entrance to or exit from such house without a written permission from

the health officer or executive officer of said local board; and every physician attending a person affected with any of the aforesaid diseases shall use such precautionary measures to prevent the spread of the disease as may be required by the county or municipal board of health; *provided*, that in case of failure of the county or municipal board of health, or when no such board is organized, it at once becomes the duty of the State Board of Health to enforce such quarantine as it may deem best; *and provided, further*, that every physician shall exercise the duties of health officer until such county or municipal health officer shall be notified of the existence of such contagious disease.

SEC. 4717. *Enforcement of quarantine.*—No person shall mar, remove, deface, or destroy such quarantine card, which shall remain in place until after the person affected is removed from such house or has recovered and is no longer capable of communicating the disease, and the said house and the contents thereof have been properly purified and disinfected by either the county or municipal board of health, or the State Board of Health, or some of its officers or agents; *provided*, that the State Board of Health shall have power to make rules and regulations prescribing the number of days a person affected with any of the diseases mentioned in section 3 of this act shall remain in quarantine. The county or municipal board of health, or the State Board of Health, may employ as many persons as it deems necessary to execute its orders and properly guard any house or place containing any person or persons affected with any of the diseases named herein or who have been exposed thereto; and such person shall be sworn as quarantine guards, shall have police powers, and may use all necessary means to enforce the provisions of this act for the prevention of contagious and infectious diseases, or the orders of any board of health made in pursuance thereof.

SEC. 4718. *Warrants.*—Any magistrate authorized to issue warrants in criminal cases shall issue a warrant upon affidavit of any member of the county, municipal, or State Board of Health, or the executive officer of the board of health, directing the warrant to the sheriff of the county or his deputy, or to any constable or police officer, requiring them under the direction of the board to remove any person who is infected with a contagious or communicable disease, or to impress and take up convenient houses, lodging, nurses, attendants, and other necessaries.

SEC. 4719. *Necessaries of life.*—When a house or other place is quarantined on account of contagious disease, it shall be the duty of the board of health having jurisdiction to provide for all persons confined in such place, food, fuel, and all of the necessaries of life, including medical attendance, medicine, and nurses, when necessary; and the expenses so incurred when properly certified by the executive officer of such board shall be paid by the person or persons quarantined, when able to make such payment mentioned; if not able to pay, to be paid by the county or municipality in which he or they were quarantined.

SEC. 4720. *School attendance prohibited.*—No person residing in or occupying any house in which there is a person suffering from smallpox, cholera, plague, typhus fever, diphtheria, membranous croup, or scarlet fever, shall be permitted to attend any public, private, or parochial school or college or Sunday school, or any other public gathering until the quarantine provided for in such disease has been removed by the board of health.

SEC. 4721. *Quarantine hospitals.*—Any city or municipality may establish a quarantine hospital within or without its own limits, but if within its own limits, consent of the municipality within which it is proposed to establish such hospital shall be first obtained; *provided*, that such consent shall not be necessary if such hospital is more than 800 feet from any occupied house or public highway; and when a great emergency exists the board of health may seize and

occupy and temporarily for such quarantine hospital any suitable vacant house or building within its jurisdiction, and the board of health of any city or municipality having a quarantine hospital shall have control of the same; *provided, however*, that in case of use of such house or premises, that due compensation shall be tendered for the use of the same.

SEC. 4722. *Common carriers to submit to quarantine rules.*—Whenever quarantine is declared, all railroads, steamboats, or other common carriers, and the owners, consignees, or the assignees of any railroad, steamboat, stage, or other vehicle used for the transportation of passengers, baggage, or freight, shall submit to any rules or regulations imposed by the board of health or health officer; they shall submit to any examinations required by the health authorities respecting any circumstances or event touching the health of the crew, operatives, or passengers, and the sanitary condition of the baggage or freight; and any owner, consignee, or assignee, or other person interested as aforesaid, who makes any unfounded statement or declaration respecting the points under examination, shall, upon conviction thereof before any court or justice of the peace having jurisdiction, be subjected to the penalties herein provided for the violation of the requirements of this act and the orders of the State, county, or municipal boards of health.

SEC. 4723. *Counties may quarantine against each other.*—Every county board of health shall have power to quarantine against any other county or counties or adjoining states, subject to approval of the State Board of Health, when any infectious disease exists, if in its judgment it is deemed necessary, and shall also have power to quarantine any case of infectious or communicable disease within the county; it shall have authority to call all police officers, sheriffs, and constables, and all county officers to enforce such quarantine, subject to the authority of the state health officer.

SEC. 4724. *Power of State board of health on default of local board.*—When for some reason the city or municipal board of health do not exist or should be inoperative, the State board of health shall have power and shall order nuisances or the cause of any special disease or mortality to be abated and removed.

SEC. 4725. *State board of health may inspect conveyances entering State.*—Whenever there shall exist in the opinion of the State board of health imminent danger of the introduction of contagious or infectious disease into the State of Oregon, by means of railroad, steamboat, or other communication with other States, the said State board are authorized, and it is hereby made their duty to make, through their executive officer or some member of the board or accredited inspector or agent, an inspection of all railroad cars, steamboats, or other conveyances coming into the State, at such points or between such points within the State limits, as may be selected for this purpose.

SEC. 4726. *Inspection trains and boats.*—Such inspection shall be made, where practical, during the ordinary detention of a train at a station, or while in transit between stations, or if a steamboat while in port, and in all cases shall be so conducted as to occasion the least possible detention or interruption of travel or inconvenience to the railroad companies or steamship companies, so far as consistent with the purposes of this act.

SEC. 4727. *Detention railroad cars, etc.*—Should the discovery be made of the existence among the passengers of any case or cases of dangerous, contagious or infectious disease, the said board of health, or their agent or inspector, under rules and conditions prescribed by the State Board of Health, as being applicable to the nature of the disease, shall have power to cause the side tracking or detention of any car or cars so infected, or if a steamboat detain in port, to isolate the sick or remove them to a suitable place for treat-

ment, to establish a suitable station, to cause the passengers and material in such infected car or steamboat to be subjected to disinfection and cleansing before proceeding further into the State, and in case of smallpox or diphtheria, to offer free vaccination or free immunization, as the case may be, to all persons exposed in any car or at any station or port. Should any question arise as to the existence of any emergency the State Board of Health shall have final jurisdiction.

SEC. 4728. *Penalty.*—Any person or persons failing to observe the provisions, together with the rules and regulations established by this act as hereinbefore set forth, or failing to comply with any orders of the health officers named herein, given for the purpose of enforcing said rules, regulations and provisions, shall upon conviction thereof be required to pay a fine of not more than $500 at the discretion of the court.

SEC. 4729. *Enforcement, act.*—The secretary of the State Board of Health be, and is hereby authorized and empowered to enforce all the provisions of this act, and if necessary he is authorized to appear before any magistrate empowered to issue warrants in criminal cases, and require such magistrate to issue a warrant, directing it to any sheriff or deputy or any constable or policeman, to remove any person or persons, or obstacle, or to defend any threatened violence to the health officer, upon entering private property, or to assist the health officer in any way to carry out the provisions and intents of this act.

SEC. 4730. *Appropriation.*—That there is hereby appropriated out of the general funds of the State of Oregon, the sum of $1,000 annually, or so much thereof as is necessary, from any moneys not otherwise appropriated, to be placed in the hands of the secretary of the State Board of Health, for the purpose of carrying out the stipulations offered in section 14 of this act; providing for the purchase of vaccine virus and diphtheria antitoxin, not only to be used for this purpose, but for any other purpose in the State where an emergency exists and no available funds are at hand for the purchase of vaccine virus and diphtheria antitoxin.

SEC. 2136. *Shipmasters to obey.*—It shall be the duty of every shipmaster to submit his ship to a full and free examination by the health officer, and to obey and perform all the lawful orders and directions of such officer, and every shipmaster who shall fail or refuse so to do, or who shall permit his ship to enter the Columbia river with the smallpox on board, without displaying a yellow flag, shall, on conviction, be fined in any sum not exceeding three hundred dollars, or imprisoned in the county jail not exceeding three months, or by both such fine and imprisonment.

SEC. 2137. *Negligence of health officer punishable.*—If, by reason of the negligence or inefficiency of the health officer, any contagious disease shall be introduced among the inhabitants of this state, such officer shall, on conviction, be fined in any sum not exceeding one thousand dollars, or be imprisoned in the county jail not exceeding three months, or by both such fine and imprisonment.

PENNSYLVANIA.

[Purdon's Digest, thirteenth edition, p. 5585.]

11. *Rules, State health authorities.*—It shall be the duty of the advisory board to advise the commissioner on such matters as he may bring before it, and to draw up such reasonable orders and regulations as are deemed by said board necessary for the prevention of disease and for the protection of the lives

and health of the people of the State, and for the proper performance of other work of the department of health.

13. *Experts.*—The commissioner may, from time to time, employ competent persons to render sanitary service and make or supervise practical and scientific investigations and examinations requiring expert skill, and prepare plans and reports relative thereto, and he may purchase such supplies and materials as may be necessary in carrying on the work of his department.

14. *Subpœnas.*—He may issue subpœnas to secure the attendance of witnesses, and compel them to testify in any manner or proceeding before him or his authorized agent.

15. *Warrants.*—He may issue warrants to any sheriff, constable, or policeman to apprehend and arrest such persons who disobey the quarantine orders or regulations of the department of health. Every warrant shall be forthwith executed by the officer to whom directed, who shall make due return of the execution thereof to the commissioner.

16. *Duties of commissioner of health.*—It shall be the duty of the commissioner of health to protect the health of the people of the State, and to determine and employ the most efficient and practical means for the prevention and suppression of disease.

17. The commissioner of health shall cause examination to be made of nuisances or questions affecting the security of life and health in any locality, and for that purpose the commissioner, and any person authorized by him so to do, may, without fee or hindrance, enter, examine, and survey all grounds, vehicles, apartments, buildings, and places within the States, and all persons so authorized by him shall have the powers and authority conferred by law upon constables.

18. *Quarantine regulations.*—The commissioner shall have power and authority to order nuisances, detrimental to the public health, or the causes of disease and mortality, to be abated and removed, and to enforce quarantine regulations.

21. *Births, marriages, deaths, and, diseases, registration of.*—It shall be the duty of the commissioner of health to have general supervision of the State registration of births, marriages, deaths, and diseases; of practitioners of medicine and surgery; of midwives, nurses, and undertakers; and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and disease. He shall prescribe and prepare the necessary methods and forms for obtaining and preserving such statistics, and shall secure the prompt and faithful registration of the same in a bureau of vital statistics, to be maintained as a part of his department.

22. *Regulations.*—The commissioner of health may, with the advice and concurrence of the advisory board, make appropriate regulations for the thorough organization and efficiency of the registration of vital statistics throughout the State, and the commissioner shall have the power and authority to enforce such regulations.

26. *Additional powers.*—The commissioner of health, in addition to the powers conferred by this act, shall have all the powers conferred, and perform all the duties heretofore imposed, by law upon the State board of health, or any member, committee, or officer thereof, including the secretary.

28. *Promulgation of rules and regulations.*—All rules and regulations of the department of health shall be promulgated by sending printed copies to all local boards of health, school boards, and clerks of councils of cities and boroughs, and by printing, once a week for two weeks, in at least one daily paper of Philadelphia and Pittsburgh, and the rules and regulations shall be printed in circular form and given to anyone who demands them.

29. *Violations.*—Every person who violates any order or regulation of the department of health, or who resists or interferes with any officer or agent thereof in the performance of his duties in accordance with the regulations and orders of the department of health, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not more than $100 or by imprisonment not exceeding one month, or both, at the discretion of the court.

30. *Expenses.*—All necessary expenses under the provisions of this act shall, after approval in writing by the governor and the commissioner of health, be paid by the State treasurer, upon the warrant of the auditor general, in the manner now provided by law.

[Purdon's Digest, thirteenth edition, p. 1828.]

5. *Duties of commissioner.*—The [State board of health and vital statistics] commissioner of health shall have the general supervision of the interests of the health and lives of the citizens of the Commonwealth, and shall especially study its vital statistics. [It] He shall make sanitary investigations and inquiries respecting the causes of disease, and especially of epidemic diseases, including those of domestic animals, the sources of mortality and the effects of localities, employments, conditions, habits, food, beverages, and medicine on the health of the people. [It] He shall also disseminate information upon these and similar subjects among the people. [It] He shall, when required by the governor or the legislature, and at such other time as [it] he deems it important, institute sanitary inspections of public institutions or places throughout the State. [It] He shall codify and suggest amendments to the sanitary laws of the Commonwealth, and shall have power to enforce such regulations as will tend to limit the progress of epidemic diseases.

6. *May abate nuisance and enforce quarantine regulations, etc.*—In cities, boroughs, districts, and places having no local board of health, or in case the sanitary laws or regulations in places where boards of health or health officers exist should be inoperative, the [State board of health] commissioner of health shall have power and authority to order nuisances, or the cause of any special disease or mortality, to be abated and removed, and to enforce quarantine regulations as said [board] commissioner shall direct.

Any person who shall fail to obey or shall violate such order shall, on conviction, be sentenced to pay a fine of not more than $100, at the discretion of the court.

[Purdon's Digest, p. 1829.]

9. *To receive and to require reports and information.*—It shall be the duty of all health officers and boards of health in the State to communicate to said [State board of health] commissioner of health copies of all their reports and publications, and also such sanitary information as may be requested by said [board] commissioner. And said [board] commissioner is authorized to require reports and information (at such times and of such facts and generally of such nature and extent as its [his] by-laws or rules may provide), from all public dispensaries, hospitals, asylums, infirmaries, prisons, and schools, and from the managers, principals, and officers thereof, and from all other public institutions, their officers and managers, and from the proprietors, managers, lessees, and occupants of all places of public resort in the State; but such report shall only be required concerning matters or particulars in respect of which [it] he may in [its] his opinion need information for the proper discharge of [its] his duties.

[Purdon's Digest, thirteenth edition, p. 5918.]

23. *Informing as to diseases declared communicable.*—* * * He (the state registrar of vital statistics) shall inform all registrars what diseases are to be considered as infectious, contagious, or communicable and dangerous to the public health, as decided by the state board of health, in order that when deaths occur from such diseases, proper precautions may be taken to prevent the spreading of dangerous diseases.

[Purdon's Digest, p. 3147.]

164. *Powers and duties of board.*—The said board of health (in cities of the third class) shall have power, and it shall be their duty, to make and enforce all needful rules and regulations to prevent the introduction and spread of infectious or contagious diseases by the regulation of intercourse with infected places, by the arrest, separation, and treatment of infected persons, and persons who shall have been exposed to any infectious or contagious disease, and by abating and removing all nuisances which they shall deem prejudicial to the public health; to enforce vaccination; to mark infected houses or places; to prescribe rules for the construction and maintenance of house drains, waste and soil pipes, and cesspools; and to make all such other regulations as they shall deem necessary for the preservation of the public health.

165. They shall also have power, with the consent of councils, in case of the prevalence or apprehended prevalence of any contagious or infectious disease within the city, to establish one or more hospitals, and to make provisions and regulations for the management of the same. The board may in such cases appoint as many ward or district physicians and other sanitary agents as they may deem necessary, whose salaries shall be fixed by the board before their appointment. It shall be the duty of all physicians practicing within the city to report to the secretary of the said board of health the names and residences of all persons coming under their professional care afflicted with such contagious or infectious diseases in the manner directed by the said board.

173. *The board and its employees may enter upon premises to abate nuisances.*—The said board of health shall have power, as a body or by committee, as well as the health officer, together with his subordinates, assistants, and workmen, under and by order of said board, to enter at any time upon any premises in the city upon which there is suspected to be any infectious or contagious disease or nuisance detrimental to the public health, for the purpose of examining and abating the same; and all written orders for the removal of nuisances, issued to the said health officer by order of said board, attested by the secretary, shall be executed by him and his subordinates and workmen, and the costs and expenses thereof shall be recoverable from the owner or owners of the premises from which the nuisance shall be removed, or from any person or persons causing or maintaining the same, in the manner herein provided; and the amount of the cost and expense thereof shall also be a lien upon the premises which has caused, or from which the nuisance shall be removed, from the time of the commencement of the work, which date shall be fixed by certificate of the health officer, filed with the city clerk, and said lien may be filed and proceeded in as herein provided in the case of municipal liens.

[Acts of 1913, ch. 316.]

SEC. 4. *Reports.*—The secretary of the board of health in boroughs and townships of the first class * * * shall report to the State department of health at the end of each week, and for the fraction of each week occurring at the end of each month, the cases of communicable diseases reported to the board of

health on the form provided for that purpose by the State department of health, and shall also make an annual report to the State department of health, and shall make such other reports and perform such other duties as the board may require.

SEC. 5. *Duties, health officers.*—It shall be the duty of the health officer to * * * placard and quarantine all premises upon which cases of communicable disease exist which have been reported to the board of health or of which he or the board of health may have knowledge, which are required by law or by regulation of the State department of health or of the local board of health to be placarded and quarantined, and shall disinfect such premises upon the expiration of the quarantine period, and the recovery of the last person therein suffering from such disease. He shall serve written notice on teachers and persons in charge of public, parochial, Sunday, and other schools, requiring the exclusion from school of children who are suffering from or who reside in the same premises with other persons who are suffering from communicable diseases, and shall make sanitary inspections, and shall execute the orders of the board of health, and shall in the performance of his duties have the power and authority of a policeman.

SEC. 6. *Regulations; hospitals.*—The said board of health shall have the power, and it shall be their duty, to enforce the laws of the Commonwealth, the regulations of the State department of health, and such further regulations as the board may see fit to adopt for the control of communicable diseases and the prevention of infections therefrom. They shall also have power, with the consent of councils, in case of a prevalence, or apprehended prevalence, of any contagious or infectious diseases in their borough or township, to establish one or more emergency hospitals and to make provisions and regulations for the management of the same.

SEC. 7. *Entering premises.*—Said board of health shall have the power as a body, or by committee, as well as the health officers, together with their assistants, subordinates, and workmen, under and by order of the said board, to enter at any time upon any premises in the borough or township upon which there is suspected to be any infectious or contagious disease, or nuisance detrimental to the public health, for the purpose of examining and abating the same.

SEC. 8. *Inspections; abatement, insanitary conditions.*—The board of health may inspect house drains, waste and soil pipes, cesspools, water-closets, slaughterhouses, hogpens, stables, stable yards, and any conditions or places whatsoever, in the borough or township of the first class, which may constitute a nuisance or a menace to public health; and whenever any condition or place in the borough or township of the first class is found by them to be a nuisance or a menace to the health of the people of the borough or township of the first class, they shall issue a written order of abatement, directed to the owner, or agent of the owner, of the premises, stating that the conditions specified therein constitute a nuisance or a menace to health, and ordering an abatement thereof within such time as may be specified by them in such order. In case such order of abatement is not obeyed within the time specified therein, they shall thereupon issue a further written order to the health officer, directing him to remove or abate the same; which order shall be executed by him and his subordinates and workmen, and the expense thereof shall be recoverable from the owner of the premises upon or from which the nuisance or menace to health is abated or removed, in the same manner as debts of like character are now collected by law; or the said board of health may proceed to enforce such other remedy, or inflict such penalty, as may by ordinance of the borough or township of the first class be provided.

SEC. 9. *Annual estimates.*—It shall be the duty of the board of health to submit annually, to the councils or township commissioners, before the commencement of the fiscal year, an estimate of the probable expenditures of the board during the ensuing year; and councils or township commissioners shall then proceed to make such appropriation thereto as may be necessary; and the said boards shall, in the month of January of each year, submit a report, in writing, to councils or township commissioners, of its operations and expenditures for the preceding year, together with such other information on subjects relative to the sanitary conditions or requirements of the borough or township as may be necessary, and councils or township commissioners shall publish the same in their official journal.

SEC. 10. *State intervention in local affairs.*—Whenever, in the opinion of the commissioner of health of the Commonwealth of Pennsylvania, conditions found by him to exist in any borough or township of the first class in this Commonwealth shall constitute a menace to the lives and health of people living outside the corporate limits of such borough or first-class township, or if it be known to him that any borough or township of the first class is without an existing or efficient board of health, the commissioner of health may enter, and take full charge of and administer the health laws, regulations, and ordinances in such borough or township of the first class; and may continue in charge thereof until he shall decide that a competent, efficient board of health has been appointed and qualified for such borough or township of the first class, and is ready, able, and willing to assume and carry into effect the duties imposed upon it by law.

SEC. 11. *Expenses.*—All expenses incurred by any local board of health, its officers or employees, in the performance of the duties imposed upon it by law, and all expenses incurred by the commissioner of health in accordance with the provisions of section ten of this act, shall be paid by the borough or township of the first class wherein such duties are performed, in the same manner as other expenses of such borough or township of the first class are paid.

SEC. 12. *Expenses incurred by State health commissioner.*—Whenever expenses incurred by the commissioner of health in the administration of health laws in any borough or township of the first class, in accordance with the provisions of this act, shall remain unpaid by said borough or township of the first class for a period over three months after a statement of such expense has been rendered by him to such borough or township of the first class, and demand for payment by him made, he shall, with the approval of the governor, institute, in the name of the Commonwealth as plaintiff, an action of assumpsit against such borough or township of the first class, for the collection of such expense from the borough or township of the first class, in the same manner as debts of like amount are collected by law: *Provided, however*, That, upon the trial of any such action of assumpsit, the reasonableness of the expenditures made by the commissioner of health shall be submitted to the jury for its determination.

SEC. 13. All expenses incurred by the commissioner of health in the administration of health laws in any borough or township of the first class, when paid to him by such borough or township of the first class, or when collected by him, shall be returned by him to the State treasurer, who shall credit the amount so received to the appropriation made to the department of health.

[Acts of 1909, ch. 658.]

SECTION 1. *Reporting of disease.*—Every physician, practicing in any portion of this Commonwealth, who shall treat or examine any person suffering from,

or afflicted with, actinomycosis, anthrax, bubonic plague, cerebrospinal meningitis (epidemic), (cerebrospinal fever, spotted fever), chicken-pox, Asiatic cholera, diphtheria (diphtheritic croup, membranous croup, putrid sore throat), epidemic dysentery, erysipelas, German measles, glanders (farcy), rabies (hydrophobia), leprosy, malarial fever, measles, mumps, pneumonia (true), puerperal fever, relapsing fever, scarlet fever (scarlatina, scarlet rash), smallpox (variola, varioloid), tetanus, trachoma, trichiniasis, tuberculosis in any form, typhoid fever, typhus fever, whooping-cough, or yellow fever, shall, if said case shall be located in a township of the first class, a borough, or a city forthwith make a report in writing to the health authorities of said township, city, or borough; and, if said case shall be located in a township of the second class, or a city, borough, or township of the first class not having a board of health or body acting as such, to the State Department of Health; upon blanks supplied for that purpose, in which report he shall, over his or her own signature, state the name of the disease, and the name, age, sex, color, nativity, and occupation, if any, of the person suffering therefrom, together with the street and house number of the premises in which said person may be located, or otherwise sufficiently designate the same, the date of the onset of the disease, the name and occupation of the householder in whose family the disease may have occurred, the number of children in said household attending school and the name or names of the school or schools so attended, together with such other information relating to said case as may be required by said health authorities and the State Department of Health.

SEC. 2. *Duty of health authorities.*—Upon receipt by the health authorities of any township of the first class, borough, or city, or by the State Department of Health, of a report of the existence of a case of anthrax, bubonic plague, cerebrospinal meningitis (epidemic), (cerebrospinal fever, spotted fever), chicken-pox, Asiatic cholera, diphtheria (diphtheritic croup, membranous croup, putrid sore throat), erysipelas, German measles, glanders (farcy), leprosy, malarial fever, measles, mumps, relapsing fever, scarlet fever (scarlatina, scarlet rash), smallpox (variola, varioloid), typhoid fever, typhus fever, whooping-cough or yellow fever, the said health authorities, or the State Department of Health, as the case may be, shall quarantine or cause to be quarantined the premises in which such disease exists, and any person or persons who has or have been exposed thereto, in the manner prescribed by the rules and regulations both of said health authorities and the State Department of Health; and shall post or cause to be posted in a conspicuous place or places, upon the premises in which said disease may be located, a placard or placards upon which shall be printed in conspicuous letters the name of the disease from which the person or persons in said house or premises is suffering, with the warning that the said premises are quarantined, and shall so remain until the quarantine is removed by said health authorities or the State Department of Health, and sitting for the requirements of this act, and the rules and regulations of said mealth authorities and those of the State Department of Health relative to said quarantine, and the penalties prescribed by law for violation of said requirements, rules, and regulations: Provided, That variola or varioloid shall be placarded as "smallpox," and that diphtheritic croup, membranous croup, and putrid sore throat shall be placarded as "diphtheria," and that scarlatina and scarlet rash shall be placarded as "scarlet fever," and said placard or placards shall remain in place until the expiration of such time as may be determined by said health authorities or the State Department of Health, and shall be removed by a health officer after the restrictions prescribed by the rules and regulations of such health authorities and those of the State Department of Health, regarding the destruction and disinfection of infected bedding, clothing,

and other articles which have been exposed to infection, and the disinfection of the house, premises, and persons, have been fully complied with: Provided further, That in addition to the placarding aforesaid, said health authorities may, for the purpose of enforcing quarantine regulations, place a guard or guards over said house or premises.

SEC. 3. *Exclusion from school.*—No child, or other person, suffering from anthrax, bubonic plague, cerebrospinal meningitis (epidemic), (cerebrospinal fever, spotted fever), Asiatic cholera, smallpox (variola, varioloid), typhus fever, yellow fever, relapsing fever, or leprosy, or residing in the same premises with any person suffering from any of said diseases, shall be permitted to attend any public, private, parochial, Sunday or other school; and the teachers of public schools, and the principals, superintendents, and teachers, or other persons in charge of private, parochial, Sunday, or other similar schools, are hereby required to exclude any and all such children or persons from said schools; such exclusion to continue for a period of thirty days following the release, by reason of the recovery or death, of the person last afflicted in said premises, or his or her removal to a hospital, the removal of quarantine, and the thorough disinfection of the premises.

SEC. 4. *Scarlet fever.*—No child, or other person, suffering from scarlet fever (scarlatina, scarlet rash) shall be permitted to attend any public, private, parochial, Sunday, or other school; and the teachers of public schools, and the principals, superintendents, and teachers, or other persons in charge of private, parochial, Sunday, and other similar schools, are hereby required to exclude any and all such children and persons from such schools; such exclusion to continue for a period of thirty days following the removal of quarantine and the disinfection of the premises wherein such child or other person shall reside; and no child, or other person, residing in the same premises with any person suffering from scarlet fever (scarlatina, scarlet rash) shall be permitted to attend any public, private, parochial, Sunday or other school; and the teachers of public schools, and the principals, superintendents, teachers or other persons in charge of private, parochial, Sunday, and other similar schools, are hereby required to exclude any and all such children or persons from said schools, until the expiration of the quarantine period for the last person in the said premises so afflicted; provided the person or persons so afflicted has or have been properly isolated during the quarantine period; otherwise, such exclusion to continue for a period of ten days following the removal of quarantine and disinfection of the premises, by reason of the recovery, death or removal to a hospital of the person last afflisted in said premises: Provided, however, That any child or person who is immune from scarlet fever, by virtue of a former attack—this fact being attested by the attending physician—may, on an outbreak of the said disease in the premises in which he or she resides, be allowed, after taking a disinfecting bath and putting on disinfected clothing, to remove therefrom, and take up his or her residence in other premises occupied exclusively by adults, and may, from and after ten days from such removal, be admitted into any of the said schools.

SEC. 5. *Diphtheria.*—No child, or other person, suffering from diphtheria (diphtheritic croup, membranous croup, or putrid sore throat) or residing in the same premises with any person suffering therefrom, shall be permitted to attend any public, private, parochial, Sunday, or other school; and the teachers of public schools, and the principals, superintendents, and teachers, or other persons in charge of private, parochial, Sunday, or other similar schools, are hereby required to exclude any and all such children or persons from said schools; such exclusion to continue for a quarantine period of twenty-one days

from the date of onset of the disease in the last person so afflicted; or for a period of fourteen days from the date of onset of the disease in the person last so afflicted, provided that antitoxin has been used for the treatment of the person or persons so afflicted, and for the immunizing of the inmates of the premises not so afflisted: And further provided, That two negative bacteriological cultures have been secured from the diseased area of the person last so afflicted, on two successive days; said children or persons may, in either event, thereafter, upon the removal of quarantine and disinfection of the premises, be immediately readmitted to any of said schools.

SEC. 6. *Measles.*—No child, or other person, suffering from measles, German measles, chicken-pox, or mumps, or residing in the same premises with any person suffering therefrom, shall be permitted to attend any public, private, parochial, Sunday, or other school; and the teachers of all public schools, and the principals, superintendents, and teachers, or other persons in charge of private, parochial, Sunday, or other similar schools, are hereby required to exclude any and all such children or persons from said schools; such exclusion to continue during a quarantine period of twenty-one days, and until the said quarantine is removed and the premises disinfected: Provided, however, That any child or person who may have been exposed to any of said diseases, owing to an outbreak thereof in the premises in which he or she resides, but who shall not have developed the same, shall be allowed, after taking a disinfecting bath and putting on disinfected clothing, to remove therefrom, and take up his or her residence in other premises occupied exclusively by adults, and may, after fourteen days from such removal, be admitted into any of said schools.

SEC. 7. *Whooping-cough or erysipelas.*—No child, or other person, suffering from whooping-cough or erysipelas shall be permitted to attend any public, private, parochial, Sunday, or other school; and the teachers of public schools, and the principals, superintendents, and teachers, or other persons in charge of private, parochial, Sunday, or other similar schools, are hereby required to exclude any and all such children and persons from said schools, for a period of thirty days following the removal of the quarantine on the premises wherein such children or persons reside, respectively, and the disinfection of the premises, and of the person or persons suffering from said disease.

SEC. 8. *Readmission to school.*—No child, or other person, excluded from any school by the provisions of this act, shall be readmitted thereto unless he or she, or some person on his or her behalf, shall furnish to the principal, superintendent, or teacher, or other person in charge of said school, a certificate setting forth that the conditions for such readmission prescribed by this act have been complied with; which certificate shall be signed by a person to be designated for that purpose, in cities, boroughs, and townships of the first class, by the health authorities thereof, exclusively; and in townships of the second class, and in cities, boroughs, and townships of the first class, not having boards of health or bodies acting as such, by the State Department of Health; and the registry of all public, private, parochial, Sunday, and other schools shall exhibit the names and residences of all children and persons excluded therefrom or readmitted thereto, agreeably to the provisions of this or any other act of Assembly; and said registry shall be open, at all times, to the inspection of the city, borough, or township authorities and the State Department of Health, and their respective officers and agents.

SEC. 9. *Blank reports and certificates.*—Blanks whereon to make the reports and certificates required by this act shall be supplied, in cities, boroughs, and townships of the first class, by the health authorities thereof, respectively; and in townships of the second class, and in cities, boroughs, and townships

of the first class, not having boards of health or bodies acting as such, by the State Department of Health.

SEC. 10. *Daily reports by health authorities.*—It shall be the duty of the health authorities of cities, boroughs and townships of the first class, respectively, to furnish daily, by mail or otherwise, to principals, superintendents, teachers, and other persons, in charge of public, private, parochial, Sunday and other schools, a printed or written bulletin containing the name, location, and disease of all persons suffering from any of the diseases mentioned in sections three, four, five, six, and seven of this act, upon receipt by them of reports of such cases from physicians, as required by section one of this act; and such bulletin shall be daily furnished to such persons in charge of such schools in townships of the second class, and in cities, boroughs, and townships of the first class, not having boards of health or bodies acting as such, by the State Department of Health.

SEC. 11. *Disinfection.*—Upon the removal to a hospital or other place, or upon the discharge by the recovery or death, of any person or persons who has or have suffered from any of the diseases mentioned in section two of this act, all premises which have been occupied by the said person or persons while suffering from any of the said diseases shall be fumigated and disinfected, and bedding, clothing, or other infected articles shall be disinfected or destroyed, at such time and in such manner as may be authorized and required by the health authorities.

SEC. 12. *Hired vehicles and public conveyances.*—No person suffering from any of the diseases mentioned in section two of this act, nor any one who has charge of the person so suffering, shall enter any hired vehicle or other public conveyance, or permit any one in his or her charge who is suffering therefrom to enter such vehicle, without previously notifying the owner or driver thereof that he or she, or the person in his or her charge, is so suffering; and the owner or driver of such vehicle shall immediately provide for the disinfection of such conveyance, under the direction of the health authorities, after it has, with the knowledge of such owner or driver, conveyed any such sufferer.

SEC. 13. *Exposure in public places.*—No person suffering from anthrax, bubonic plague, cerebrospinal miningitis (epidemic), (cerebrospinal fever, spotted fever), chicken-pox, Asiatic cholera, diphtheria (diphtheritic croup, membranous croup, putrid soar throat), German measles, measles, mumps, relapsing fever, scarlet fever (scarlatina, scarlet rash), smallpox (variola, varioloid), typhus fever, yellow fever, or whooping-cough, shall wilfully expose himself or herself in any street or public place or public conveyance, nor shall any person in charge of any one so suffering thus expose the sufferer.

SEC. 14. *Use of infected bedding, clothing, etc.*—No person shall, without previous disinfection, give, lend, sell, transmit, or expose any bedding, clothing, rags or other articles which have been exposed to infection from any of the diseases mentioned in section one of this act: Provided, That such restriction shall not apply to the transmission of articles, with proper precaution, for the purpose of having the same disinfected.

SEC. 15. *Renting or letting of room, house, etc.*—No person shall let any room, house, or part of a house, in which there has been a person suffering from any of the diseases mentioned in section two of this act, without having such room, house, or part of a house, and all articles therein, previously disinfected to the satisfaction of the health authorities. The keeping of a hotel, boarding-house or apartment-house shall be deemed as letting a part of a house to any person who shall be admitted, as a guest, into such hotel, boarding-house, or apartment-house.

SEC. 16. *Rules and regulations may be established by health authorities.*—The health authorities of the several townships, boroughs, and cities of this Commonwealth may, and they are hereby authorized and empowered to, establish additional rules and regulations regarding the isolation and quarantine of persons who may be suffering from any of the diseases mentioned in section two of this act, and for the destruction, disinfection, and fumigation of bedding, clothing, or other infected articles, and for the disinfection and fumigation of houses and premises, and for the carrying out of the provisions of this act, as they may in good faith declare the public safety and health demand; which rules and regulations they may, from time to time, alter or amend, but in no instance shall such rules abridge in any way the provisions of this act or the regulations of the State Department of Health.

SEC. 17. *Dead bodies.*—In the preparation for burial of the body of any person who has died of Asiatic cholera, glanders (farcy), bubonic plague, smallpox (variola, varioloid), yellow fever, typhus fever, scarlet fever (scarlatina, scarlet rash), relapsing fever, cerebrospinal meningitis (epidemic), (cerebrospinal fever, spotted fever), diphtheria (diphtheritic croup, membranous croup, putrid sore thorat), tetanus, or leprosy, it shall be the duty of the undertaker or person acting as such, to thoroughly disinfect and place such body within the coffin or casket in which it is to be buried within six hours after being first called upon to take charge of the same: Provided, said call is made between the hours of five ante meridian and eleven post meridian; otherwise such body shall be so placed in such coffin or casket within twelve hours, the coffin or casket then to be closed tightly, and not again opened, unless permission is granted by the health authorities for special and satisfactory cause shown.

SEC. 18. The body of a person who has died of any of the diseases mentioned in section seventeen of this act, shall not remain unburied for a longer period of time than thirty-six hours after death, unless special permission be granted by the health authorities extending the time during which said body may remain unburied for special and satisfactory cause shown. The head of the family, and the person or persons having charge of the funeral of such body, shall be responsible for any violation of the provisions of this section.

SEC. 19. All services held in connection with the funeral of the body of a person who has died of any of the diseases mentioned in section seventeen of this act, must be private, and the attendance thereat shall include only the immediate adult relatives of the deceased, who may not at the time be under absolute quarantine restrictions, and the necessary number of adult pallbearers, and any advertisement of such funeral shall state the cause of death.

SEC. 20. The body of a person who has died of any of the diseases mentioned in section seventeen of this act shall in no instance be taken into any church, chapel, public hall or public building for the holding of funeral services. The undertaker, or person acting as such, and the sexton, janitor or other person or persons having charge or control of such church, chapel, public hall or public building, shall be responsible for any violation of the provisions of this section.

SEC. 21. No undertaker, or person acting as such, at the funeral or burial of the body of a person who has died of any of the diseases mentioned in section seventeen of this act, shall furnish or provide for such funeral or burial more than the necessary number of conveyances for such adult relatives as are mentioned in section nineteen of this act, and pallbearers; and all such conveyances shall be fumigated and disinfected, at such time and in such manner as may be directed and required by the health authorities.

SEC. 22. The body of a person who has died of any of the diseases mentioned in section seventeen of this act shall not be conveyed from any dwelling, or

other building or place, to any cemetery or other point or place, except in a hearse, or other vehicle used for the purpose of conveying corpses only, or in such vehicles as shall be satisfactory to the health authorities, and under such regulations as they may in any case adopt. The undertaker, or person acting as such, having charge of the funeral or transportation of such body shall be held responsible for any violation of the provisions of this section.

SEC. 23. *Weekly reports to Department.*—The health authorities of the several cities, boroughs, and townships of the first class, shall, at the end of each week, and for the fraction of each week occurring at the end of each month, report to the State Department of Health, upon blanks supplied for that purpose, a list of all cases of communicable diseases mentioned in section one of this act, which have been reported to them during said period; which report shall contain the name of each person suffering therefrom, respectively, and his or her age, sex, color, and nativity, together with the name of the disease and the date of the onset thereof; and in the event of no reports of any of said diseases having been received by the aforesaid health authorities, respectively, during any said period, that fact shall be reported to the State Department of Health. All superintendents and other persons in charge of asylums, hospitals, or other institutions, located in townships of the second class, shall, at the end of each week, and portion of a week occurring at the end of each month report to the State Department of Health, on blanks to be supplied for that purpose, a list of the inmates of such institutions, respectively, who may have suffered from any of the diseases enumerated in section one of this act, together with the above-mentioned data relative to each inmate, with the date of his or her admission to the institution, and the name of the city, borough, or township from which he or she was admitted.

SEC. 24. *Removal, defacement, etc., of placards.*—Any person who shall remove, deface, cover up, or destroy, or cause to be removed, defaced, covered up, or destroyed, any placard relating to any of the diseases mentioned in section two of this act, shall, for every such offense, upon conviction thereof in a summary proceeding before any magistrate or justice of the peace of the county wherein such offense was committed, be sentenced to pay a fine of not less than ten ($10) dollars, or more than one hundred ($100) dollars, to be paid to the use of said county, or to be imprisoned in the county jail for a period of not less than ten days or more than thirty days, or both, at the discretion of the court; and any person who shall violate any of the quarantine restrictions imposed by this act, the rules and regulations of the health authorities of any city, borough, or township of the first class, or of the State Department of Health, or who shall interfere with the said health authorities or agents thereof in the discharge of his or their duties, as provided for in this act, shall, for every such offense, upon conviction thereof in a summary proceeding before any magistrate or justice of the peace of the county wherein said offense was committed, be sentenced to pay a fine of not less than fifty ($50) dollars, or more than one hundred ($100) dollars, to be paid to the use of the said county, or to be imprisoned in the county jail for a period of not less than ten or more than thirty days, or both, at the discretion of the court.

SEC. 25. *Violations of, or failure to observe, provisions of this act.*—Any physician, undertaker, teacher of a public school, principal of a school, superintendent of a Sunday school, sexton, janitor, or any other person or persons, who shall fail, neglect, or refuse to comply with, or who shall violate, any of the provisions of this act, shall, for every such offense, upon conviction thereof in a summary proceeding before any magistrate or justice of the peace of the county wherein said offense was committed, be sentenced to pay a fine of not

less than twenty ($20) dollars, or more than one hundred ($100) dollars, to be paid to the use of said county, or to be imprisoned in the county jail for a period of not less than ten or more than thirty days, or both, at the discretion of the court.

[Acts of 1907, ch. 216.]

SECTION 1. *Payment for support of indigent quarantined persons.*—Whenever any head of a family, or a person, shall be quarantined by any authority, because of any infectious or contagious disease, and by reason of such quarantine such person becomes unable to pay the expense of the maintenance and treatment of his family or himself during the period of quarantine, he shall be considered a "poor person" or a "needy and indigent poor" person within the meaning of the poor laws of this Commonwealth.

[Acts of 1909, ch. 199.]

SECTION 1. *Non-resident indigent patients.*—If any person shall come out of any city, borough, township, or district, in this Commonwealth, into any other city, borough, township, or district, and shall happen to fall sick of any contagious or infectious disease before he shall have gained a settlement therein, the bureau of health, board of health, or board of school directors of such city, borough, or township, or district, shall, as soon as conveniently may be, give notice to the bureau of health, board of health, or board of school directors of the city, borough, township, or district, as the case may be, where such sick person had last gained a settlement, or to one of them, the name, circumstance, and condition of such sick person; and if the bureau of health, board of health, or board of school directors, to whom such notice shall be given, shall neglect or refuse to repay the moneys necessarily expended for the use of such sick person and to take charge of relieving and maintaining him, or shall, on request made, refuse or neglect to pay the money expended in maintaining such sick person, in every such case it shall be the duty of the court of quarter sessions of the county where such sick person was last settled, upon complaint to them made, to compel the payment by such bureau of health or board of school directors or board of health of all such sums of money as were necessarily expended for such purposes, in the manner directed by law in the case of a judgment obtained against overseers of poor: *Provided*, That in all cases the court of quarter sessions of the proper county shall have the right and authority to supervise, correct, and amend, or allow, the charges or expenses received, or any items thereof.

SEC. 2. *Expense, quarantine.*—All persons falling sick of any contagious or infectious disease, excepting those entitled to relief under the existing poor-laws, shall bear and pay all expenses incident to such sickness, except expense of quarantine; and in case any bureau of health, board of health, or board of school directors have made payment, under section one of this act, then they shall recover any money so expended, in the same manner as debts of like amount are now by law collected: *Provided*, The expense of the care and maintenance of the poor person, sick with a contagious or infectious disease, shall be paid out of the funds at the disposal of said bureau of health, board of health, or board of school directors.

SEC. 3. *Settlement, how gained.*—A settlement may be gained in any district as follows:—

1. By any person who shall come to inhabit in the same, and who shall, for himself and on his own account, execute any public office legally placed therein during one whole year.

2. By any person who shall be charged with and pay the proportion of any public taxes or levies for one year.

3. By any person who shall bona fide take a lease of any real estate of the yearly value of ten dollars, and shall dwell upon the same for one whole year, and pay the said rent.

4. By any person who shall become seized of any freehold estate within such district, and who shall dwell upon the same for one whole year.

5. By any unmarried person, not having a child, who shall be lawfully bound or hired as a servant within such district, and shall continue in such service during one whole year.

SEC. 4. Every married woman shall be deemed, during coverture and after her husband's death, to be settled in the place where he last settled; but if he shall have no known settlement, then she shall be deemed, whether he be living or dead, to be settled in the place where she was last settled before her marriage.

SEC. 5. Every illegitimate minor child shall be deemed to be settled in the place where the mother was legally settled at the time of the birth of such child.

[Acts of 1913, ch. 90.]

SECTION 1. *Definitions.*—(1) The term "mattress," as used in this act, shall be construed to mean any quilted pad, mattress, mattress pad, bunk quilt, or cushion, stuffed or filled with wool, hair, or other soft material, except feathers, to be used on a couch or other bed for sleeping or reclining purposes.

(2) The term "person," as used in this act, shall be construed to include all individuals and all firms or copartnerships.

(3) The term "corporation," as used in this act, shall be construed to include all corporations, companies, associations, and joint-stock associations or companies.

(4) Whenever the singular is used in this act it shall be construed to include the plural; whenever the masculine gender is used in this act it shall include the feminine and neuter genders.

SEC. 2. *Prohibitions upon the making and sale of mattresses.*—(1) No person or corporation, by himself or by his agents, servants, or employees, shall employ or use in the making, remaking, or renovating of any mattress:

(a) Any material of any kind that has been used in, or has formed a part of, any mattress used in or about any public or private hospital or institution for the treatment of persons suffering from disease, or for or about any person having any infectious or contagious disease.

(b) Any material known as "shoddy," and made in whole or in part from old or worn clothing, carpets, or other fabric, or material previously used or any other fabric or material from which shoddy is constructed.

(c) Any material, not otherwise prohibited by this act, of which prior use has been made, unless the said material has been thoroughly sterilized and disinfected by a reasonable process approved by the commissioner of health of this Commonwealth.

(2) No person or corporation, by himself or by his agents, servants, or employees, shall sell, offer to sell, or deliver or consign, or have in his possession with intent to sell, deliver, or consign any mattress made, remade, or renovated in violation of subsection one of this section.

SEC. 3. *Descriptive statements upon mattresses.*—No person or corporation, by himself or his agents, servants, or employees, shall, directly or indirectly, at wholesale or retail, or otherwise, sell, offer for sale, deliver, or consign, or have in his possession with intent to sell, deliver, or consign, any mattress that

shall not have plainly and indelibly written or printed thereon, or upon a muslin or linen tag securely sewed to the covering thereof, a statement in the English language setting forth the kind or kinds of materials used in filling the said mattress, and whether the same are, in whole or in part, new or old or second hand, and the name and address of the manufacturer or vendor thereof, or both.

SEC. 4. *When description as felt may be made.*—It shall be unlawful to use in the said statement concerning any mattress the word "felt," or words of like import, if there has been used in filling said mattress any materials which are not felted and filled in layers, unless the said statement shall plainly set forth all the different materials so used.

SEC. 5. *Misleading description prohibited.*—It shall be unlawful to use in the description in the said statement any misleading term or designation or term or designation likely to mislead.

SEC. 6. *Form of statement.*—The statement required under section 3 of this act shall be the following form:

Materials used in filling.

Made by_____

Address_____

Vendor_____

Address_____

This article is made in compliance with the act of Assembly of Pennsylvania, approved the _____ day of _____, one thousand nine hundred and thirteen.

SEC. 7. *Removal of description.*—Any person who shall remove, deface, alter, or in any manner attempt the same, or shall cause to be removed, defaced, or altered any mark or statement placed upon any mattress under the provisions of this act, shall be guilty of a violation of this act.

SEC. 8. *Separate offenses.*—The unit for a separate and distinct offense in violation of this act shall be each and every mattress made, remade, renovated, sold, offered for sale, delivered, consigned, or possessed with intent to sell, deliver, or consign contrary to the provisions hereof.

SEC. 9. *Penalties.*—Any person or corporation violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof before a magistrate or justice of the peace shall be punished by a fine of not less than twenty-five dollars, and not more than fifty dollars, for each offense.

SEC. 10. *Duties of commissioner of health.*—Within sixty days after any process of sterilization and disinfection shall have been submitted to the commissioner of health of this Commonwealth, under subsection 1 (c) of section 2 of this act, the said commissioner shall approve or disapprove the same, and if he disapproves shall state his reasons therefor.

SEC. 11. *Duties of chief factory inspector.*—All places where mattresses are made, remade, or renovated, or materials for mattresses prepared, or where mattresses are offered for sale or are in the possession of any person or corporation with intent to sell, deliver, or consign them, shall be subject to inspection by the chief factory inspector, whose duty it shall be, in case he has reason to believe any person or corporation is violating this act, to prosecute such person or corporation therefor.

SEC. 12. *Information and enforcement by individuals.*—Any individual who has reason to believe that this act has been or is being violated may present the relevant facts to the chief factory inspector or any of his deputies; in which

case it shall be the duty of the chief factory inspector to make an investigation of such facts as on his own initiative; and if he is of opinion that the act has been or is being violated, to prosecute the person or corporation guilty thereof. Any individual may institute proceedings to enforce this act and to punish violations of its provisions.

PORTO RICO.

[Acts of 1912, ch. 81.]

SEC. 4. *Duties, director of sanitation.*—The director of sanitation may cause to be removed to proper places designated by him any person sick with a quarantinable disease, or any other rapidly spreading, contagious, or infectious disease, and shall have the control of public hospitals for the treatment of such cases. He may occupy, for the purpose of provisional hospitals, such buildings as may be necessary, without prejudice to the subsequent payment to the owner of an indemnity, the amount of which shall be determined in accordance with the procedure established by law in like actions; and he may cause proper care and attention to be given to the sick persons removed to the hospitals, at the expense of the insular government, as herein provided for, when it comes to his knowledge that such persons are too poor to defray the expenses of their attendance, or when it is necessary to take care of them in the interest of the public health. No person suffering from a quarantinable or other rapidly spreading, contagious, or infectious disease shall be removed from a vessel, or from any other place set aside by competent authority for his isolation and treatment, without a written permit from the director of sanitation or the sanitary official placed in charge of such vessel or place by the director of sanitation. For the purpose of carrying out the duties prescribed by this section, the director of sanitation, or any duly authorized physician employed in the sanitary service, may enter at any time into private properties and dwellings for the inspection or examination of such premises, in accordance with the provisions of section 30 of this act.

SEC. 5. *Epidemics.*—In case of an epidemic, threatening the health of the island, the director of sanitation after consulting the insular board shall, with the approval of the governor, take such emergency action as may be necessary to suppress the same, and all the expenses for personnel and material caused by the epidemic shall be borne by the insular government. The proceeds of all fines collected, by whatever authority, for the violation of the sanitary laws, or of the rules or regulations made pursuant thereto, shall be covered into the insular treasury, to create a special fund expendable only with the approval of the governor for sanitary services in suppressing epidemics.

SEC. 6. *Annual report.*—The director of sanitation shall file an annual report with the governor of Porto Rico, for transmittal to the legislature, wherein he shall set forth the sanitary services that shall have been rendered and the sanitary conditions prevailing in the island of Porto Rico at the time.

SEC. 7. *Notices.*—The director of sanitation shall attend to all problems affecting public health, and shall publish suitable notices covering the prevailing diseases and epidemics.

SEC. 12. *Regulations.*—It shall be the duty of the insular board of health to act as an advisory and legislative body in respect to all matters pertaining to the public health, and it shall prescribe all sanitary rules, regulations, and ordinances required by this act, which shall govern in all the municipalities of Porto Rico, with a view to preventing and suppressing contagious and epidemic diseases, destroying the vehicles of propagation of malarial fevers and tubercu-

losis and other transmissible diseases, and dealing with any other service affecting public health, such as the water service, food and beverages, construction of buildings within the towns, ventilation, drainage, and sanitary plumbing installations, hotels, inns, boarding houses, sleeping houses, cafés, restaurants, eating houses, canteens, tenement houses, private dwellings, houses in general, schools, factories and workshops, dangerous, unhealthy, or uncomfortable industrial establishments, slaughterhouses and slaughtering markets, meat markets, garbage, transportation of garbage and organic fertilizers, cleaning of cesspools and sinks, public ways, railroads, street railways, hospitals, maisons de santé, sanatoriums, animals and cattle, rural sanitation and hygiene, transmissible diseases, corpses, cemeteries, interments and disinterments, autopsies, embalmings, transportation of corpses, barber and hairdressing shops and public bath pavilions, dairies and milk depots.

It shall be the duty of the insular board of health to prescribe rules and regulations for governing conditions surrounding employees of the government or of private parties, in so far as such regulation is necessary in the interest of public health, and of conditions to be maintained in dairies and bakeries, and in connection with the slaughter of animals for food, and governing the transportation of milk and other dairy products, bread and other bakery products, and meat and meat products; for the disposal of garbage and refuse of all kinds: *Provided*, That nothing in this section shall authorize the issuance of regulations that will deprive a member of the female sex of the privilege of selecting the physician who is to make examinations as to her physical condition. It shall define the class of sanitary appliances to be installed and maintined in public and private buildings, and prescribe rules and regulations for the burial, exhumation, and transportation of cadavers, and the regulations to be observed in respect to reporting, isolating, and treating infectious or contagious diseases, and guarding from contamination all streams from which water for drinking or domestic purposes is taken.

SEC. 20. *Inspectors.*—There shall be appointed by the director of sanitation, subject to the approval of the governor, two inspectors of health, who shall be physicians licensed to practice their profession, and who shall have practiced in the island for a term of not less than three years, and who shall hold office during good behavior and receive a salary of $3,000 per annum each. They shall not be allowed to engage in private practice, and shall perform such duties as the director of sanitation may determine, and each shall be provided with an office supplied with the necessary personnel, equipment, and material.

SEC. 21. *Bureau of transmissible diseases.*—There is hereby established in the service of sanitation a bureau of transmissible diseases, which shall have under its charge the study and prevention of transmissible diseases, including tuberculosis, uncinariasis, and other tropical diseases, the hospital for contagious diseases and the service of disinfection in general. The chief of said bureau shall be appointed by the director of sanitation, with the approval of the governor. He shall be a physician qualified to practice and who shall have practiced in the island for a term of not less than three years, and shall receive a salary of $2,500 per annum.

SEC. 22. *Chemical laboratory.*—There is hereby created a bromatological chemical laboratory, to be in charge of a chemist-pharmacist, appointed by the director of sanitation, with the approval of the governor of Porto Rico, and who shall hold office during good behavior, at an annual salary of $2,500. Such appointee to be a professional man who shall have practiced in the island for a period of not less than two years. The bromatological chemical laboratory

shall have an assistant chemist and the necessary personnel properly to attend to the business, as well as the suitable material with which to carry it on. The laboratory shall be under the immediate supervision of the director of sanitation, who will dictate and regulate the action in each case to be taken.

SEC. 23. *Biological laboratory.*—There is hereby created a biological laboratory, to be under the immediate supervison of the director of sanitation and in charge of a bacteriologist appointed by the director of sanitation, with the approval of the governor, who will hold office during good behavior, at an annual salary of $2,500, who shall be a physician having practiced his profession in the island for a term of not less than three years. The biological laboratory shall have an assistant bacteriological physician and the personnel necessary to perform the work required, and shall be also equipped with all material necessary for such work. It shall devolve upon the laboratory to prepare vaccine lymphs, virus, and serum; to make bacteriological analyses; to verify diagnosis, pathological examination, investigation on tropical and transmissible diseases and their prophylaxis, and to perform other dutes to be prescribed by the director of sanitation.

SEC. 26. * * * Health officers are empowered to appoint the personnel required in their offices, with the approval of the director of sanitation. The health officer shall supervise the sanitary service of his municipalities and towns, and shall provide for the establishment of the necessary sanitary service such as cleaning and watering the streets, removal of garbage and other refuse, public and private disiufection, drainage, drainage of private landed property within populated zones and of public lands, cleaning of cesspools and other deposits of filth in public property and in private property when it becomes necessary for public health, as prescribed in this act. The health officer shall enforce all laws, ordinances, and sanitary rules, and shall exercise general supervision over public health within his respective municipalities and towns. The health officer shall not receive any expense allowance for any duty within the limits of his respective territory, except upon special authority of the director of sanitation, nor shall he travel on official business outside of his respective municipality and town without his orders.

SEC. 27. *Arrests, etc.*—The director of sanitation, medical inspectors, health officers, and assistants shall have the power to make arrests of persons found or apprehended in the act of violating the sanitary law, or any sanitary rules or regulations promulgated thereunder, delivering them as soon as practicable to the nearest police officer, and at the same time making the necessary charges against such offenders, but nothing in this section contained shall authorize any of the officers or assistants enumerated herein to carry revolvers or other unlawful weapons while in the performance of their official duties.

SEC. 28. *Reports.*—In conformity with the provisions of this act, physicians shall report to the nearest health officer any of the following diseases which they may be attending or may have seen:

Exanthematous typhus; typhoid fever; Malta fever; Asiatic cholera; smallpox; varioloid; scarlet fever; diphtheria; bubonic plague; yellow fever; dengue; beriberi; epidemic dysentery; epidemic cerebro spinal meningitis; whooping cough; epidemic parotiditis; filariasis; tetanus infantum; malaria; tuberculosis; glanders; leprosy; uncinariasis; colibacilosis; infectious pneumonia; malignant pustule; and cutaneous syphilis.

SEC. 29. *Inoculation.*—That the inoculation of vaccine virus be, and is hereby, made obligatory and binding upon all the inhabitants of the Island during such period, and under such form and interval of time, as shall be determined by the Director of Sanitation; the inoculation of any other organic, prophylactic or

therapeutic product in cases of epidemic being also obligatory: *Provided*, That whenever it is deemed necessary by the Director of Sanitation to use virus or serum to combat any epidemic disease, save smallpox, the express approval of the Insular Board of Health shall be necessary.

[Revised Statutes, 1902.]

SEC. 773. *Governor may establish quarantine.*—The governor, upon the recommendation of the superior board of health is authorized and empowered to establish, maintain and enforce such local quarantine, sanitary and other regulations, as he may deem necessary to protect the health and safety of the people or domestic animals of the island, from all contagious or infectious diseases, and by proclamation to designate the foreign or domestic ports against which sanitary or quarantine regulations shall be enforced or with which all intercourse shall be prohibited.

SEC. 774. *Penalty.*—Any person who shall violate any order or proclamation so issued by the governor or any part thereof shall be liable to punishment according to the provisions of the penal code. The police shall enforce and make effective all such quarantine, sanitary or other regulations or proclamations.

SEC. 775. *Quarantine of domestic animals.*—The superior board of health shall prepare regulations for the treatment, quarantine, and destruction of domestic animals suffering from infectious or contagious diseases.

SEC. 776. *Arrest of offenders.*—The president of the board of health, members of the superior board of health and insular health inspectors shall have the power to arrest and prosecute any person offending the above mentioned regulations, proclamations, or any part of them.

[Penal Code, 1902.]

SEC. 331. *Location of pesthouses.*—Every person who establishes or keeps or causes to be established or kept, within the limits of any city or village, any pesthouse, hospital or place for persons affected with contagious or infectious diseases is guilty of a misdemeanor.

SEC. 345. *Public exposure.*—Every person who wilfully exposes himself or another afflicted with any contagious or infectious disease, in any public place or thoroughfare, except in his necessary removal in a manner the least dangerous to the public health, is guilty of a misdemeanor.

SEC. 357 (as amended by ch. 13, acts of 1911). *Penalty.*—Every person who shall violate the terms of any proclamation issued by the governor, in accordance with law and in relation to public health, or who shall violate any quarantine, sanitary, or other regulations issued by the director of health, charities, and correction, or by any other person, body, or board always under authority of law, shall be guilty of a misdemeanor and shall be punishable accordingly.

[Acts of 1912, ch. 38.]

SECTION 1. *Emergency fund.*—For the purpose of providing an emergency fund for the payment of physicians, sanitary inspectors, and other persons, temporarily employed, and for providing proper places for the isolation of patients and the purchase of disinfectants and medicines required for use in aiding in the control and suppression of epidemics of typhoid, smallpox, and other dangerous communicable diseases in Porto Rico, when necessary to prevent their spreading from one locality to others, and to provide a contingent fund to meet unusual and unexpected demands of the Sanitation Service, there is hereby

appropriated, to be expended under the supervision of the Director of Sanitation and subject to the approval of the governor, the sum of $15,000, or so much thereof as may be required, out of any funds in the treasury not otherwise appropriated.

[Acts of 1913, ch. 58.]

SECTION 1. *Institute of tropical medicine.*—The present Institute of Tropical Medicine shall be known as "The Institute of Tropical Medicine and Hygiene of Porto Rico." It shall be for the purpose of cooperating in the continuance of the campaign against uncinariasis and other transmissible diseases for the investigation of such diseases in the Island of Porto Rico and for the intruction of Sanitary Officials in special diseases of this country and latitude.

SEC. 2. The institute will be composed of the Director of Sanitation *ex officio*, the Director of the Bacteriological Laboratory *ex officio* and of one physician, resident of Porto Rico, and experienced in Tropical Medicine who shall be appointed by the Governor; *Provided*, That the Director of Sanitation shall be in charge of the financial and administrative responsibilities of the Institute; *and Provided further*, That the Governor of Porto Rico be, and hereby is, authorized on the recommendation of the Institute to request of any department or departments of the Federal Government the detail of one or more medical officers of the department or departments, who shall be experienced in tropical medicine to cooperate with the institute and who shall be *ex officio* members thereof. But under no circumstances will the institute consist of more than five (5) permanent members.

SEC. 3. The Director of Sanitation will designate an employee of the Service of Sanitation who shall act as secretary of the institute, and who shall serve without additional compensation.

SEC. 4. The permanent members of the Institute shall receive the sum of three thousand six hundred dollars ($3.600) annually; *Provided*, That any permanent member who has a salary from the Insular or Federal Government, shall be entitled to an additional compensation equivalent to the difference between such salary and that provided by this Act for said permanent members.

SEC. 5. No salary shall be paid any person already receiving from the Insular or Federal Government a compensation equal to or exceeding three thousand six hundred dollars ($3,600) annually.

SEC. 6. The permanent members of the institute shall have full control of the scientific work of the Institute and they shall be the only ones authorized to prepare for publication such reports and special studies as from time to time may be considered of scientific value.

SEC. 7. The Governor, upon the recommendation of the Institute, shall appoint an entomologist at a salary not to exceed two thousand five hundred ($2,500) dollars annually, and such Associate Members of the Institute as may be deemed necessary for the more perfect working thereof. These Associate Members shall receive a compensation of ten dollars ($10) per day when actually on duty. When not actually on duty, they shall continue to be carried on the rolls as "Associate Members of the Institute," without pay.

SEC. 8. The permanent members of the Institute and the Associate Members when actually on duty with said Institute, during the time that they may be on expedition outside of the locality where they reside shall be allowed actual traveling expenses: *Provided*, That the Institute shall be located in the City of San Juan.

SEC. 9. At the request of the permanent members of the Institute, the Director of Sanitation will furnish them with the facilities for any expeditions authorized by them, and will employ the personnel for such expeditions and for special work, subject to the approval of the Governor.

SEC. 10. The Institute shall be permitted to utilize the Laboratory of the Sanitation Service and such beds and rooms in hospitals under his control as the Director of Sanitation may consider available, provided that no work undertaken in the Laboratory shall interrupt the current laboratory work of the Sanitation Service.

SEC. 11. For the purpose of defraying all kinds of expenses of said Institute, there is hereby appropriated the sum of twenty thousand dollars ($20,000) or so much thereof as may be necessary, and this sum shall be disbursed in accordance with the provisions of this law.

[Acts of 1913, ch. 44.]

SECTION 1. *Insular hospitals for communicable diseases.*—The Service of Sanitation is hereby authorized to create and establish, and is ordered to create and establish, an Insular Hospital in each one of the seven districts into which the Island of Porto Rico is divided. Said hospital shall serve for the treatment of the sick suffering from transmissible and contagious diseases in the respective districts, especially tuberculosis and uncinariasis as well as all those cases of sickness which cannot be attended to in the municipal hospital.

SEC. 2. Said hospital shall be constructed in each district in the most adequate and hygienic locality to be determined by the Service of Sanitation upon recommendation of the Insular Board of Health. For the organization and management of these sanitary institutions the Director of Sanitation will prepare the regulations.

SEC. 3. The Commissioner of the Interior is hereby authorized and directed to order that such improvements as may be required be made on the lands obtained for the location and construction of the seven hospitals, and to carry out the provisions of this Act, and all projects and plans for improving buildings or constructions shall be made with future enlargement in view, and executed in accordance with the legislation in force, and must be previously approved by the Insular Board of Health upon recommendation of the Director of Sanitation; *Provided*, That each hospital will have the number of beds which may be necessary to attend to local necessities.

SEC. 4. *Appropriation.*—For the purpose of complying with the provisions of the preceding section, there is hereby appropriated such amount as may be necessary from any funds in the Insular Treasury not otherwise appropriated but the total sum to be expended shall not exceed one hundred and twenty thousand dollars ($120,000) or so much thereof as may be necessary.

SEC. 5. The Director of Sanitation will appoint the Medical Superintendent of each one of these hospitals, as well as the assistants and subordinate personnel, necessary for the performance of the duties. The Executive Council is authorized to fix the salaries of all the employees of the hospitals, if the same shall not have been fixed already in the Budget.

RHODE ISLAND.

[General Laws, 1909, ch. 115.]

SEC. 2. *Duties of the State board of health.*—The board shall take cognizance of the interests of life and health among the citizens of the State; they shall make investigations into the causes of disease, and especially of epidemics and endemics among the people, the sources of mortality, and the effects of localities, employments, conditions, and circumstances on the public health,

and shall do all in their power to ascertain the causes and the best means for the prevention of diseases of every kind in the State. They shall publish and circulate from time to time such information as they may deem to be important and useful for diffusion among the people of the State, and shall investigate and give advice in relation to such subjects relating to the public health as may be referred to them by the general assembly or by the governor when the general assembly is not in session.

SEC. 3. *Diseases among cattle, etc.*—The State board of health shall also investigate the subject of diseases among cattle or other animals.

SEC. 6. *Duties of secretary.*—The secretary of the board shall make inquiry from time to time of the clerks of town and local boards of health and practicing physicians in relation to the prevalence of any disease, or knowledge of any known or generally believed source of disease or causes of general ill-health, and also in relation to the proceedings of the said boards of health in respect of acts for the promotion and protection of the public health, and also in relation to diseases among domestic animals in their several towns, and the said clerks of towns and local boards of health and said practicing physicians shall give information in reply to said inquiries of such facts and circumstances as shall have come to their knowledge.

SEC. 7. *Sanitary information.*—The secretary shall perform and superintend the work prescribed for said board by law and such other duties as the board may require; he shall prepare and publish in every calendar month a general summary of all the deaths and causes of the same which had occurred in the State during the preceding month, the same to be made up from returns of deaths which shall be sent to him on or before the 10th day of the month following the date of such deaths by the several town clerks, the city registrar of Providence, and the city clerks of the other cities; he shall also prepare and publish for general distribution a monthly circular giving information and advice in regard to the preservation of health, suitable for each particular season, and giving also such information as he shall deem of advantage to the public, as to the prevalence and character of infectious diseases of domestic animals. He shall hold his office during the pleasure of the board, and may be removed at any regular meeting by a majority vote of the members of said board.

[General Laws, 1909, ch. 50.]

SEC. 13. *Powers, township and city authorities.*—The several town councils and boards of aldermen shall be ex-officio boards of health in their respective towns, and may make such rules and regulations, not repugnant to law, as they shall judge proper, for * * * the removal of the causes and the prevention of the introduction and spread of any contagious or infectious disease therein; either by removing the inhabitants of their respective towns or forbidding or regulating ingress or egress of persons to and from the same, or any parts thereof, or otherwise; and in case of seaport towns, by making rules and regulations respecting quarantine * * * *Provided*, That the city council of any city may appoint a board of health for such city, which shall have all or any part of the powers and duties of the board of aldermen as a board of health, as the city council may determine.

SEC. 14. *Penalties.*—They shall affix penalties for the breach of such rules and regulations by them made in their said capacity, not exceeding $300 fine or six months' imprisonment for any one offense, unless otherwise provided by law, said fine to inure one-half thereof to the use of the complainant and one-half thereof to the use of the town.

SECTION 1. *Health-officer in sea-port towns.*—Each sea-port town, or the town council thereof, may appoint a health-officer for such town, who shall visit all vessels which shall be subject to examination or quarantine, and carry into execution all regulations established by the town council, and shall be at all times accountable to said town council, and shall receive for his services such compensation as said council may allow, to be paid by the owners, agents or commanders of such vessels as may be subjected to quarantine or examination.

SEC. 2. *Rules in regard to quarantine.*—Such town council shall cause to be published in one or more newspapers published in the state, within or nearest the town wherein such rules and regulations shall be adopted, at the expense of the town, all rules and regulations made by them respecting quarantine.

SEC. 3. *May prescribe quarantine, etc.*—They shall prescribe from time to time the several ports, places or countries from which vessels arriving shall be subject to examination or quarantine.

SEC. 4. *To designate place of anchorage.*—They shall designate the particular place in the harbor, bay or river, adjacent to such town, where all ships or vessels arriving, subject to examination or quarantine, shall come to anchor; and shall define the limits of such quarantine-ground, and assign the time for which such ships or vessels shall be detained, and where and how unladen.

SEC. 5. *Quarantine sentinel paid.*—They may appoint a sentinel, who shall be paid by the town and be stationed in some convenient place on shore, or in some boat or vessel properly situated, to hail all ships or vessels which may arrive in such river, bay or harbor; and if such sentinel shall find that any ship or vessel is subject to quarantine, he shall direct the commander thereof to come to anchor within the limits of such quarantine-ground, and there remain until visited by the health-officer, and to place a signal in the shrouds of said vessel in such manner as to be seen at a proper distance.

SEC. 6. *Penalty for neglect to anchor.*—Every commander of a ship or vessel who shall, upon being hailed and directed by such sentinel, refuse or neglect to bring his ship or vessel to anchor within the limits as above described, shall be fined not exceeding five hundred dollars nor less than twenty dollars, to the use of the town.

SEC. 7. *Vessel to be anchored at owner's expense.*—The town council may order such ship or vessel to be anchored on the quarantine-ground, at the expense of the owners, master or commanding officer thereof, there to remain until legally discharged therefrom.

SEC. 8. *Penalty for leaving a quarantined vessel.*—Every person who shall leave any ship or vessel under order of quarantine, without permission from the health-officer or the town council of such town, shall be fined not exceeding twenty dollars; and said town council may order such person to be returned on board of such vessel, there to remain until said council order him to be dismissed.

SEC. 9. *Of vessels bound to Providence.*—If any vessel shall arrive in the waters of the state, bound to the port of Providence, at any time while the quarantine regulations of the city of Providence are in force, no person on board such vessel shall leave the same until such vessel shall have been visited and examined by the health-officer of said city, and permission to land therefrom shall have been given by such health-officer or by the board of aldermen of said city, to such person, to enter therein.

SEC. 10. *Penalty for leaving any such vessel.*—Every person leaving such vessel, as aforesaid, without such permission first had and obtained, shall be

fined not exceeding twenty dollars; and said board of aldermen may cause such person to be returned to such vessel in case she is under quarantine, there to remain until permitted to depart therefrom.

SEC. 11. *Officers to enforce quarantine rules.*—Every sheriff, deputy-sheriff, town sergeant and constable shall carry the rules and regulations of the town council within his precinct into effect.

SEC. 12. *Fines.*—The fines for the violation of any of the provisions of this chapter shall be recovered to the use of the town where the offence was committed.

SEC. 13. *Governor also may establish quarantine.*—The power to establish quarantine in this state shall be vested also in the governor; and whenever the governor shall deem it advisable for the preservation of public health and the prevention of the spread of infectious diseases, he may, by proclamation, place under quarantine the whole state or such portion thereof as he may deem necessary, and he shall authorize and empower the state board of health to take such action and make and enforce such rules and regulations as may be deemed necessary to prevent the introduction and to restrict the spread of infectious diseases in the state.

SEC. 14. *Transportation companies to comply with rules.*—Whenever quarantine is declared all railroad and steamboat corporations, stage lines, the owners, assignees, officials and employees of the same and of all vehicles and modes of conveyance of passengers, baggage and freight, shall observe and comply with the rules and regulations made by the said state board of health; and any person knowingly violating any of the said rules and regulations of the said board shall, upon conviction thereof, be fined not more than fifty dollars, or be imprisoned not more than two years.

SEC. 15. *Necessary expenses to restrict epidemics, authorized.*—The state board of health, with the approval of the governor, may incur all necessary expenses for preventing and restricting the prevalence of epidemic diseases and of carrying out the provisions of sections thirteen and fourteen of this chapter; and the state auditor shall draw his orders upon the general treasurer for the payment of the same out of any moneys in the treasury not otherwise appropriated, upon receipt of itemized bills therefor approved by the governor.

SEC. 16. *Rules and regulations made by town councils.*—Nothing in sections thirteen, fourteen and fifteen of this chapter shall be construed to impair the validity of any rules and regulations made, and in force, under the provisions of the first twelve sections of this chapter, nor to abridge the powers of any officer mentioned in said first twelve sections; and every such officer shall also have power, within the town for which he was appointed, to enforce, during the period that any proclamation, made by the governor for the purpose of establishing quarantine as aforesaid, shall be in force, all rules and regulations made by said state board of health; and it shall be the duty of the several town councils to require said officers to enforce all and singular the rules and regulations in this section mentioned and referred to within their respective towns: *Provided*, that said state board of health, during the period when any such proclamation shall be in force, shall have power at any time, and from time to time, to suspend any of the rules and regulations in this section first mentioned and referred to, and to make and establish rules and regulations in substitution therefor and in addition thereto, respecting quarantine in any town, and that any person knowingly violating any of such rules and regulations, so made and established, shall, upon conviction thereof, be fined not more than fifty dollars, or be imprisoned not more than two years; *and provided further*, that any and all powers and duties in this chapter conferred and imposed upon any officer or town council shall, during any such period as aforesaid, be exercised

and performed by said officer or town council subject to the orders and directions of said state board of health.

SEC. 17 (added by chapter 801, acts of 1912). *Federal quarantine.*—Whenever the United States of America shall put in force a system of national quarantine inspection for the port of Providence the duties of the quarantine health officer and sentinel of said city shall be suspended for so long a period as such quarantine inspection shall be maintained, and whenever said United States shall establish a quarantine station, ground, or anchorage on or in the Providence River or Narragansett Bay north of Conimicut Point, and put in force a complete system of national quarantine for the port of Providence, the provisions of sections 1 to 12, both inclusive, of this chapter shall not apply to the city of Providence or the port thereof.

[General Laws of 1909, ch. 110.]

SECTION 1. *Infected vessel not to anchor without license.*—Every commander of any vessel which shall come into any port or harbor of the state, and shall have any person on board sick of the small-pox or any other contagious or infectious distemper, or which has had any person sick of such distemper during the passage to such port or harbor, or shall come from any port or place usually infected with the small-pox, or where any other contagious or infectious distemper is prevalent, who shall bring such vessel to anchor in any of the ports or harbors of the state within the distance of one mile from any public ferry, pier or landing-place, or permit or suffer any person on board such vessel to be landed, or any person to come on board such vessel, without a license first had and obtained from the town council of the town where such vessel shall arrive, shall be fined four hundred dollars.

SEC. 2. *Signals.*—Such commander, on his arrival in any of the waters of the state, shall forthwith hoist and keep his colors in the shrouds of such vessel, as a signal that he has come from some such infected place or has infection or contagion on board.

SEC. 3. *Penalty for leaving such vessel without license.*—If any person shall come on shore from on board such vessel, without license first had and obtained as aforesaid, the town council may send back such offender immediately on board such vessel, or confine him on shore in such convenient place as to them shall appear most effectual to prevent the spreading of any infection; and the person so offending shall satisfy and pay all charges that shall arise thereon, and shall also be fined forty dollars.

SEC. 4. *Inspector to be sent on board.*—The town council of the town where such vessel shall arrive shall send a physician or other suitable person, to examine into and make report to them of the true state of such vessel and the people on board, at the charge of the master or owner of such vessel; and they shall forthwith put on board such vessel some suitable person or persons to secure said vessel, and effectually prevent any communication therewith, at the like charge of the master or owner thereof.

SEC. 5. *Persons on board, how disposed of.*—The town council of such town shall confine on board such vessel, or send to some hospital or other suitable place, all persons who came in said vessel, for a convenient time, until such of them as have, or are likely to have, the small-pox or other infectious or contagious distemper, are perfectly recovered and cleansed from said distemper, or have passed a suitable quarantine, and also all persons who have gone on board said vessel without license as aforesaid, at the charge and expense of such persons respectively.

Sec. 6. *Infected goods are to be cleansed.*—The town council of such town shall appoint suitable persons to take effectual care that all goods, wares and merchandise imported in such vessel, which they think may hold and communicate the infection or contagion, are landed in some suitable place to be appointed by such council and cleansed in the manner by them directed, before they are permitted to be brought into any house, shop or warehouse, other than that in which they are cleansed as aforesaid.

Sec. 7. *Goods to be delivered to owners, subject to charges.*—Whenever such goods are sufficiently aired and cleansed, said persons shall give the owners or persons entitled to possession thereof a certificate to that effect; and the town council shall allow and order said goods, wares and merchandise to be delivered to the owners thereof; and the charge and expense of airing, landing and cleansing such goods, wares and merchandise shall be borne by the respective owners; and such charge shall be a lien on such goods, wares and merchandise.

Sec. 8. *Goods not infected to be delivered to owner.*—All goods that are judged by the town council not to be infected shall be delivered to the owners without delay and expense of airing and as soon as may be consistent with the safety of the town; and all goods, wares and merchandise imported into any town by land from any place infected with the small-pox or other contagious or infectious distemper, shall be aired and cleansed at the discretion of the town council of such town and at the expense of the owners thereof, as aforesaid, or destroyed if necessary.

Sec. 9. *Infected goods are forfeited, if clandestinely landed.*—All goods imported in such vessel as aforesaid, that shall be clandestinely landed or brought into any house, shop or warehouse without a certificate and allowance as aforesaid, or that shall be imported by land as aforesaid and not cleansed or aired by order of the town council as aforesaid, shall be forfeited; one-third thereof to the use of the state and two-thirds thereof to the use of the person who shall sue for the same.

Sec. 10. *Charges fixed by town council.*—The town councils of the respective towns shall fix, settle and adjust all wages and charges demanded by persons employed by them to secure such vessel, or to air and cleanse such goods, or to attend upon and nurse such persons as aforesaid.

Sec. 11. *Town to sue.*—If any owner, freighter, mariner or passenger as aforesaid shall refuse to pay such wages and charges so settled, adjusted and fixed, then such town shall sue for and recover such wages and charges, and the court where such action is brought and maintained shall tax double costs for the plaintiff.

Sec. 12. *Examination of any person suspected.*—The town council in any town may appoint proper persons at all ferries or places where to them it may seem necessary, to examine on oath all persons suspected of violating the provisions of the preceding section, and on reasonable cause of suspicion may bring such offenders before some magistrate, that they may be dealt with according to law.

Sec. 13. *Householders, etc., to inform of small-pox, etc., in house.*—Every householder or person shall immediately inform the town council of the town wherein he dwells, of any person in the house or tenement occupied by him, who has been taken sick of the small-pox, or any other contagious or infectious distemper, or suspected to be so.

Sec. 14. *Penalty.*—Every person violating any provision of the preceding section shall forfeit twenty dollars to the use of the town.

Sec. 15. *Duties of town council.*—Whenever the town council shall be so notified, they shall make proper examination by some physician or other skilful person; and if it be the small-pox or other contagious or infectious distemper

wherewith such person is sick, they shall immediately set a proper guard to prevent the spreading of the contagion or infection, and shall remove said person to such place in the town as they shall think the most proper to prevent the spreading of the infection or contagion, or continue the said guard as aforesaid, as to them shall seem necessary; and they shall also confine, in some proper place, all such persons as may be by them suspected of having the distemper, until they are recovered and cleansed from the said distempter or have performed a suitable quarantine.

SEC. 16. *Expense of guarding and cleansing.*—Whenever the small-pox or other contagious or infectious distempter shall break out in any house, and the infected persons be confined to such house, the town shall be at the expense of guarding the same, and the owner at the expense of cleansing the same, to be fixed by the town council, which charges of cleansing, upon refusal to pay the same, shall be recovered by the town.

SEC. 17. *Town council may remove infected persons.*—In case the small-pox or other contagious or infectious distemper shall break out in any house or family in any town, the town council thereof may remove any inhabitants of said town, visited with the small-pox or other contagious or infectious distemper, to the hospital in said town, or other convenient place, in order to prevent the spreading of the infection; or otherwise, at their discretion, place a guard around the dwelling-house of the infected person, as to them it shall seem necessary.

SEC. 18. *Persons and houses infected not to be visited.*—So long as the town council of any town shall endeavor to prevent the spreading of the small-pox, any persons who shall visit any person suspected to have the small-pox, or shall go into the house where persons so suspected are confined, without a license first had from the town council of the town or of the attending physician, shall forfeit for every such offence twenty dollars; one-half thereof to the use of the town where such offence is committed and one-half thereof to the use of the person who shall sue for the same; and such persons shall be liable to be confined until they are suitably aired and cleansed or have performed suitable quarantine, at the discretion of the town council to whom complaint of the same shall be made.

SEC. 19. *Existence of small-pox to be notified to town clerk.*—Every physician, householder or other person, having knowledge of the existence of small-pox in any town, shall immediately give information thereof to the town clerk of the town in which the person is sick with the small-pox, and in cities shall give like information to the superintendent of health.

SEC. 20. *Town clerk to notify town council.*—Whenever the town clerk of any town shall have knowledge or shall have received information as provided in the preceding section, of the existence of small-pox in his town, he shall forthwith give or cause notice thereof to be given to the town council of such town, at the expense of the town, to be audited and allowed by the town council.

SEC. 21. *Penalty.*—Every physician, householder, town clerk or other person, violating any provision of the preceding two sections, shall be fined twenty dollars, or be imprisoned not exceeding ninety days, either or both in the discretion of the court.

SEC. 22. *Flag to be placed at entrance.*—Whenever any person shall be found to be infected with the small-pox in any town, the town council of such town and the superintendent of health in any city shall, within twenty-four hours after receiving information thereof, cause a white flag with the words SMALL-POX in black letters, not less than six inches in length, inscribed thereon, so suspended or fastened as to be easily read, to be placed at or near the front door

or principal entrance of the building in which such infected person is, and to be kept so placed so long as there shall be any danger of infection from said building.

SEC. 23. *Penalty for defacing or removing flag.*—Every person who shall deface or remove any such flag without the permission of such town council or superintendent of health, shall be fined twenty dollars and be imprisoned not exceeding ninety days.

SEC. 24. *Penalty for leaving infected house.*—Every person in any house where there is any one sick with the small-pox or other contagious or infectious disease, or who is in any small-pox hospital, who shall voluntarily leave the same without a permit from the town council or the physician employed by such town council, or from the superintendent of health in cities shall be fined twenty dollars and be imprisoned not exceeding ninety days.

SEC. 25. *Wilfully spreading an infectious disease.*—Every person who shall be convicted of wilfully spreading the small-pox or other contagious or infectious distemper, within the state, shall be imprisoned for one year; and if any person shall die in consequence of the spreading of the small-pox or other contagious or infectious distemper as aforesaid, the person who shall be convicted of wilfully spreading the same as aforesaid shall be fined not exceeding five thousand dollars and be imprisoned not more than five years nor less than one year.

SEC. 26. *Penalty on physician and others for neglect of duty.*—Every physician, surgeon or other person lawfully required by any town council to do any duty relating to the prevention of the spreading of the small-pox, under any provision of this chapter, who shall refuse or neglect to do the same, shall be fined forty dollars.

SEC. 27. *Town council may remove persons.*—In case any person shall hereafter be sick of any malignant, pestilential or infectious disease in any town, so that his life would be endangered by his removal, or in case it shall appear that the disease be so spread that the atmosphere, in the judgment of the town council, has become so contaminated as to endanger the lives of those persons who reside in or go into the neighborhood of the sick, the town council of such town may cause all persons so sick within such neighborhood to be notified to remove therefrom within three days; and if after that time any person shall remain there, the said town council may cause him to be forthwith removed at his own expense: *Provided*, that the expense of the removal of the poor, or of such as are unable in the judgment of the town council to remove themselves, shall be paid out of the town treasury.

SEC. 32. *Powers of the health-officer of Newport.*—The health-officer of the city of Newport shall, under the direction of the board of aldermen of said city, have authority concurrent with the town councils of the several towns in the county of Newport bordering on the public waters of the state, in all matters arising under this chapter in relation to any vessel coming within Dutch Island harbor or within the waters of the East river below the bridges between Portsmouth and Tiverton.

SEC. 35 (added by ch. 939, acts of 1913). *Definition of quarantine.*—Contagious or infectious disease or distemper as referred to in this chapter shall include every disease or distemper which the State board of health shall consider communicable. "Suitable quarantine" shall be considered as meaning the isolation of the person or persons having the disease or distemper, and of such other persons as may by contact or association with the affected person become, in the judgment of the State board of health, carriers of contagion, the period of time, the manner of such isolation, and the method of cleansing and disinfection shall be in accordance with the rules and regulations made from time to time by said board.

[Acts of 1911, ch. 728.]

SECTION 1. *Poliomyelitis; meningitis.*—Any physician who may discover a case or cases of anterior poliomyelitis, tubercular meningitis, or cerebro-spinal meningitis shall immediately report the existence of each and every case of said disease to the Secretary of the state board of health together with such information as said secretary may require.

SEC. 2. *Investigations.*—The state board of health is hereby authorized and directed to investigate any conditions associated with any case or suspected case of, or the spread of the disease known as anterior poliomyelitis or infantile paralysis in this state; and so far as possible to aid in the suppression of the same; and for the purpose of defraying the expense so incurred by said board the sum of two thousand dollars, or so much thereof as may be necessary, is hereby appropriated; out of any money in the treasury not otherwise appropriated; and the state auditor is hereby directed to draw his orders upon the general treasurer for the payment of such sum or sums as may be necessary from time to time upon vouchers approved by the president of the state board of health and by the governor.

SOUTH CAROLINA.

[Civil Code, 1912.]

SEC. 1088. *Investigations, State board of health.*—It shall be the duty of the State board of health, through its representatives, to investigate the causes, character, and means of preventing such epidemic and endemic diseases as the State is liable to suffer from; the influence of climate, localities and occupations, habits, drainage, scavengering, water supply, heating and ventilation, and shall make inspections annually, or oftener if necessary, of the sanitary condition of all institutions provided as State charities or supported at the public expense.

SEC. 1089. *Quarantine.* The State board of health shall supervise and control the quarantine system of the State, and shall annually, or oftener if necessary, require reports from the health officer on such forms as may be prescribed in all matters pertaining to quarantine. They shall also be authorized to establish quarantine both by land and sea. The quarantine shall not be established except by the advice and consent of the governor.

[Act 433, 1908.]

SEC. 2. *Powers and duties, State health officer.*—The State health officer shall be the secretary and executive officer of the State board of health, and shall have power to administer oaths and take depositions in the line of duties; and when directed by the executive committee of the State board of health, or by the chairman, when the board is not in session, he shall investigate the reported causes of communicable or epidemic disease, and shall enforce or prescribe such preventive measures as may be needed to suppress or prevent the spread of said diseases, by proper quarantine or other measures of prevention, as may be necessary to protect the citizens of the States. The State health officer shall have power, and it shall be his duty to declare, when the facts justify it, any place to be infected, and in case of hydrophobia or other diseases transmitted from animals to man, he shall declare such animal or animals to be quarantined, and shall place all such restrictions upon ingress and egress of persons or animals as may be, in his judgment, necessary to prevent the spread of disease from the infected locality.

SEC. 3. *Local authorities to assist.*—All sheriffs or constables in the several counties of this State, and police officers and health officers of cities and towns, shall aid and assist the State health officer, and shall carry out or obey his orders or those from the State board of health, to enforce and carry out any and all restrictive measures and quarantine regulations that may be prescribed; and the said State health officer shall make immediate report of his acting and doing to the State board of health, or its chairman, when the board is not in session.

SEC. 4. *Regulation of commerce.*—The State board of health, or its chairman when the board is not in session, shall have power, by its actions or through its health officer, to impose upon all railway and navigation companies, vessels or cars, such restrictions and regulations as to inspections, quarantine, or sanitary rules as in their judgment may be necessary to protect the health of the people of the State, and which are not in conflict with acts of Congress already passed or that may hereafter be ordained in that regard.

SEC. 5. *Investigations, etc.*—It shall be the duty of the State health officer, when it is deemed necessary by the municipal officers of any town or city, or the county board of commissioners of any county, to visit cities, towns, villages, or localities where disease is prevalent or threatened, and to investigate and to advise with the local authorities or persons as to such measures as may tend to prevent the spread of disease, or to remove or abate causes that may tend, cause, or intensify diseases, and to advise, when practicable or possible, as to measures of sanitation and hygiene, and to investigate and advise as to all matters as to food or water supply, sewerage or drainage, or as to ventilation or heating or lighting, or other measures connected with public sanitation or safety: *Provided*, Nothing herein contained shall be construed to conflict with the present law providing for periodical examination of city water supplies.

SEC. 6. *Secretary and custodian.*—The State health officer shall be secretary of the executive committee of the State board of health; he shall be the custodian of books, papers, instruments, or appliances belonging to the State board of health, or that may be intrusted to his care. He shall summon the board to meetings, and shall attend all meetings of the board, and discharge the duties appertaining to the office of secretary.

[Acts of 1912, ch. 419.]

SEC. 1. *Regulations, etc.*—The executive committee of the State board of health shall have the power to make, adopt, promulgate, and enforce reasonable rules and regulations, from time to time, requiring and providing for the thorough sanitation and disinfection of all passenger cars, sleeping cars, steamboats, and other vehicles of transportation in this State, and also of all convict camps, penitentiaries, jails, hotels, schools, and other places used by or open to the public; to provide for the care, segregation, and isolation of persons having, or suspected of having, any communicable, contagious, or infectious disease; to regulate the method of disposition of garbage, or sewage, and any like refuse matter in or near any incorporated town, city, or unincorporated town or village of the State; to provide for the thorough investigation and study of the causes of all diseases, epidemic, and otherwise in this State, and the means for the prevention of contagious disease, and the publication and distribution of such information as may contribute to the preservation of the public health and the prevention of disease; to make separate orders and rules to meet any emergency not provided for by general rules and regulations, for

the purpose of suppressing nuisances dangerous to the public health, and communicable, contagious, and infectious diseases and other dangers to the public life and health: *Provided, however*, That nothing herein contained shall be construed as in anywise limiting any duty, power or powers now possessed by or heretofore granted to the said State board of health or its executive committee by the statutes of this State, or as affecting, modifying, or repealing any rule or regulation heretofore adopted by said board.

SEC. 2. *Penalty.*—Any person who shall, after notice, violate, disobey, refuse, omit, or neglect to comply with any rule of said executive committee of the State board of health, made by it in pursuance of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding the sum of $100 or imprisoned for 30 days: *Provided*, This section shall not apply to any person until the rules of the State board of health are promulgated.

[Acts of 1913, p. 264.]

SEC. 1. *Appropriation.*—The following sums of money, if so much be necessary, be, and the same are hereby, appropriated out of the State treasury to meet the ordinary expenses of the State government for the several objects and purposes specified during the fiscal year beginning January 1, 1911: * * *

Health Department.

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Item 2. Traveling expenses of State health officer..... $1,000.00

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Item 5. Contingent fund for protection against spread of contagious and infectious diseases, tuberculosis and spinal meningitis, free distribution of diphtheria antitoxin, director and porter of laboratory; to be expended at discretion of the State board of health, under supervision of the governor..... 20,000.00

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[Civil Code, 1902.]

SEC. 626. *Governor to take action in case of cholera.*—Full power and authority is given to the Governor to make, by proclamation, such regulations as in his opinion may be necessary to prevent the entrance of Asiatic cholera into this State, and the spreading thereof in this State.

SEC. 1096. *Cooperation with Federal authorities.*—It shall be the duty of the State Board of Health to cooperate with officials of the Federal Government and with those of other States in establishing interstate quarantine lines and in making and enforcing of such rules and regulations as shall best protect the live stock industry of this State against infectious or contagious diseases.

The said State Board of Health shall prescribe such rules and regulations as are necessary within said quarantine lines for the preservation of the live stock industry within such territory and duly promulgate the same.

[Criminal Code.]

SEC. 330. *Reports by township authorities.*—It shall be the duty of the Township Board of Assessors immediately upon their knowledge of the presence of any infectious or contagious disease within their township, to report the same to the Secretary of the State Board of Health, giving all information with

regard to the nature of the disease that they are able to procure; and any Township Assessor refusing or neglecting to comply with the requirements of this Section shall be fined not less than ten dollars nor more than twenty-five dollars, to be recovered in any court of competent jurisdiction.

[Acts of 1910, ch. 395.]

SECTION 1. *Reports by physicians.*—In all cases of known or suspected contagious or infectious diseases occurring within any incorporated city or town of this State, it shall be the duty of the attending physician to report such disease to the Secretary of the Board of Health of each city or town within twenty-four hours, stating the name and address of the patient, and the nature of the disease.

SEC. 2. *Reports to State Board of Health.*—It shall be the duty of the secretary of each local Board of Health to report to the Secretary of the State Board of Health all such cases of infectious and contagious diseases as have been reported to him during the preceding months, such reports to be made upon blanks furnished by the State Board of Health, and not later than the fifth day of each month.

SEC. 3. It shall be the duty of the attending physician in all cases of known or suspected contagious or infectious diseases outside of incorporated cities and towns, to report such cases to the Secretary of the State Board of Health within twenty-four hours after they have come under his observation, said reports to be made upon blanks furnished by the State Board of Health.

SEC. 4. *State board to name communicable diseases.*—The State Board of Health is hereby authorized to name the diseases it considers contagious and infectious.

SEC. 5. *Penalty.*—Any physician or secretary of a local Board of Health, failing to comply with the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than five dollars nor more than twenty-five dollars, or be imprisoned in the county jail for a period not exceeding thirty days.

[Act 450, 1905.]

SEC. 2. *Placarding; quarantine.*—All local boards of health shall forthwith quarantine such contagious diseases as small-pox, diphtheria, and scarlet fever as soon as the knowledge of the occurrence of such disease comes or is brought to their attention; they shall cause to be placed notices at the entrance of the premises where the disease may be located, stating the disease and that the building infected is quarantined. The quarantine shall remain in force until the attending physician shall certify that the danger of the contagion is passed or removed; that no person shall enter or depart from the premises so quarantined during its quarantine except attending physicians, without a special permit from the board of health.

SEC. 3. *Reports.*—When infectious diseases, such as enumerated in section 2, occur outside of corporated towns, the attending physician shall quarantine the premises whereon the same occurs, give the notices, and assume the duties of the board of health in the premises, and he shall report the same to the nearest board of health; and that in the case of such quarantine of a country house by the attending physician, no one except himself shall enter or depart from the premises without the permit of the attending physician.

SEC. 4. *Penalty.*—Any person violating the provisions of this act shall upon conviction, be deemed guilty of a misdemeanor, and shall be fined not exceeding

one hundred dollars or imprisoned not exceeding thirty days; and that each member of the council of any village, town, or city neglecting or refusing to establish and maintain a local board of health shall be deemed to violate this act, and upon conviction shall be subject to the foregoing penalties.

[Civil Code.]

SEC. 1099. *Powers and duties.*—The said (local) board of health shall have power and it shall be their duty to make and enforce all needful rules and regulations to prevent the introduction and spread of infectious or contagious diseases by the regulations of intercourse with infected places, by the arrest, separation, and treatment of infected persons, and persons who shall have been exposed to any contagious or infectious diseases, and by abating and removing all nuisances which they deem prejudicial to the public health, to enforce vaccination, to mark infected houses or places, to prescribe rules for the construction and maintenance of house drains, waste pipes, soil pipes, and cesspools, and make all such other regulations as they shall deem necessary for the preservation of the public health. They shall also have power, with the consent of the town or city council, in case of the prevalence of any contagious or infectious diseases within the town or city, to establish one or more hospitals, and to make provisions and regulations for the management of the same.

SEC. 1100. *Ward physicians.*—The board may in such cases appoint as many ward or district physicians and other sanitary agents as they may deem necessary, whose salaries shall be fixed by the town or city council before their appointment. It shall be the duty of all physicians practicing within the town or city to report to the secretary of said board of health the names and residences of all persons coming under their professional care afflicted with such contagious or infectious diseases in the manner directed by said board.

SEC. 1103. *Investigations, recommendations, etc.*—The said board of health shall have the power, and it shall be their duty, to visit and inspect every month the courthouse and various offices therein contained, the jail and other prisons located in their respective cities and towns in regard to the purity of the water supply, the lighting and ventilation and heating of the various offices of the courthouse and the cells and other rooms occupied by prisoners in the jails; they shall inquire into the efficiency of drainage and plumbing of these public buildings, the disposition of garbage and refuse, the closet accommodations, into the condition of the soil pipes, waste pipes, and cesspools, and shall recommend to the county authorities the removal of all nuisances on the premises on which said buildings are located which might prove detrimental to the public health; they shall report the number of prisoners, their diet and treatment, the diseases and number of cases of sickness which has occurred among the prisoners during the three previous months. And it shall be the duty of every physician who attends in sickness any prisoner in jail to report immediately to the secretary of the board of health the name, sex, age, race, and disease of said prisoner.

SEC. 1104. *School inspections.*—It shall be the duty of the board of health as a body or by committee with the health officer to make quarterly visits and inspections of all schools, seminaries, or colleges (while in session) which are supported in part or entirely by public taxation and examine and report on the sanitary condition of the same, the abatement and removal of garbage, refuse matter, and nuisances which may prove prejudicial to the health of the pupils. They shall inquire into the purity of the water supply, the condition and efficient working of the drains, waste pipes, soil pipes, and cesspools, the ven-

tilation, lighting of the dormitories, lecture, and study rooms of the buildings, and the appliances in use for fire escapes. In case of the epidemic prevalence of contagions or infections, and in order to prevent the spread of the same, the board of health, by and with the consent of the city or town council, may order the schools, seminaries, or colleges in such town or city, partially or entirely supported by public taxation, closed until such time as they may deem it safe to reopen them. The board of health shall have the right to declare any epidemic or cause of ill health so injurious as to make it necessary to close any or all of the private schools in the limits of such city or town. Whatever sanitary conditions or evils shall be found by the board of health to exist in or around the public colleges, schools, etc., shall be reported by the secretary of the board of health to the trustees of the same, who shall take immediate steps to remedy the sanitary defects according to the rules and regulations prescribed by the board of health.

[Act 82, 1906.]

SEC. 3. *Powers and duties.*—The said local boards of health (in unincorporated villages) shall have power, and it shall be their duty, to make and enforce all needful rules and regulations to prevent the introduction and spread of infectious or contagious diseases by the regulation of intercourse with infectious places, by the arrest, separation, and treatment of infected persons, and persons who shall have been exposed to any contagious or infectious disease, and by abating and removing all nuisances which they shall deem prejudicial to the public health, to enforce vaccination, to mark infected houses or places, to prescribe rules for the construction and maintenance of house drains, waste pipes, soil pipes, and cesspools, and make all such other regulations as they shall deem necessary for the preservation of the public health. They shall also have power, in case of the prevalence of any contagious or infectious disease within any of the said towns or villages, to establsh one or more hospitals and quarantine stations, and to make provisions and regulations for the management of the same.

SEC. 4. *Penalties.*—All penalties which may attach by law to boards of health of incorporated cities and towns and to persons violating the rules and regulations thereof are hereby made applicable to boards of health organized under this act, and to persons violating the rules and regulations thereof: *Provided, however,* That all the expenses incurred by the provisions of this act, shall be borne by the communities incurring such expenses.

[Civil Code.]

SEC. 1101. *Entering premises.*—The said Board of Health shall have power, as a body or by committee, as well as the Health Officer, together with his subordinates, assistants and workmen, under and by order of said Board, to enter at any time upon any premises in the town or city upon which there is suspected to be any contagious or infectious disease * * * for the purpose of examining and abating the same; and all written orders for the removal of nuisance issued to the said Health Officer by order of said Board, attested by the Secretary, shall be executed by him and his subordinates and workmen: *Provided,* The person or persons refusing to remove such nuisance, and the cost and expenses thereof, shall be recoverable from the owner or owners of the premises from which the nuisance shall be removed or from any person causing or maintaining the same, in the same manner as debts of like amounts are now collected by law.

SOUTH DAKOTA.

[Political Code, 1903.]

SEC. 242 (as amended by chapter 217, 1903). *Powers, state board of health.*—The State Board of Health * * * shall have power as follows:

Second. To make and enforce any and all needful rules and regulations for the prevention and cure, and to prevent the spread of any contagious, infectious or malarial diseases among persons and domestic animals.

Third. To establish quarantine and isolate any person affected with contagious or infectious disease.

Fourth. To isolate, kill or remove any animals affected with contagious or infectious disease.

Eighth. To empower and direct the superintendent of public health to do or cause to be done any or all of the things mentioned in subdivisions 3, 4, 5, 6 and 7 of this section.

SEC. 245. *Report.*—The superintendent of the State board of health shall, on the 30th day of October biennially, make a full report to the governor, which report shall show all that has been done by the State board of health and by the superintendent of the State board of health during the two years preceding such report, and he shall also report a full statement of all expenditures by said board of health, and in each of the organized counties in this State by the county board of health, and shall also report such recommendations as he may deem advisable for the better protection of public health and the prevention and cure of contagious and infectious diseases.

[Acts of 1909, ch. 282.]

SEC. 1. *Laboratory.*—The bacteriological laboratory of the college of medicine of the State university at Vermilion is hereby constituted a State health laboratory. As such laboratory it shall, in addition to its regular university work, undertake such scientific investigations and perform such chemical and microscopical analyses and tests as the State board of health may require, and it shall make prompt report of the results thereof, under such rules and regulations as the said board of health may from time to time adopt.

SEC. 2. *Director.*—The professor of bacteriology and pathology of the college of medicine of the State university shall be the director of said State health laboratory, and he shall make or cause to be made all such investigations, analyses, and tests as shall be required by the State board of health, as provided in the preceding section, causing the same to be made without delay, and giving such investigations, analyses, or tests the preference in point of time over all other work, and shall make prompt report of the result thereof to the board of health or to such person or persons as the board of health may designate.

[Political Code.]

SEC. 248. *Reports to State board.*— * * * The superintendent of the county board shall, * * * whenever any contagious or infectious disease occurs in his county, immediately report the same to the superintendent of the State board of health.

SEC. 250. *Powers and duties, county boards of health.*—The several county boards of health shall have power within their respective counties, subject to the supervisory control of the State board of health and the superintendent of the State board of health, to do and perform all the things mentioned in subdi-

visions 2, 3, 4, 5, and 6 of section 242. All expenses actually and necessarily paid and incurred by the county boards of health in carrying out the provisions of this article shall be audited by such board and certified to the county commissioners of the county where such expenses are incurred, and shall be paid the same as other county expenses.

SEC. 251. *Superintendent; powers, etc.*—The superintendent of the county board of health shall have charge of and superintend, subject to the approval of the board of which he is a member and the supervisory control of the State board of health, all the matters and things mentioned in subdivisions 3, 4, 5, and 6 of section 242 within his county, and in case of immediate danger to the health of persons he may act as in his judgment he may deem proper without consultation with the county board of health for the prevention of such danger, and he shall immediately report such action to the president of the county board of health and to the superintendent of the State board of health.

SEC. 252 (as amended by ch. 76, 1905). *Compensation.*— * * * for each examination necessarily made of persons who are affiliated with smallpox, diphtheria, scarlet fever, anthrax, Asiatic cholera, yellow fever, and bubonic plague the superintendent, or the vice president of the county board if he performs the duties of superintendent, shall also receive not to exceed the sum of $5 for every visit actually and necessarily made. The superintendent shall also receive the sum of 50 cents for each monthly report to the superintendent of the State board of health of the health conditions of the county, and he, or the vice president if he performs the duty of the superintendent, shall further receive such other sum or sums as he may pay or become liable to pay for medicine, chemicals, drugs, or appliances in carrying out and performing the various duties imposed upon him under the provisions of this article, which, together with other expenses, shall be audited by the county board of health and certified to by the county commissioners of the county and paid as other county expenses.

SEC. 253. *Penalty.*—Any person violating any of the provisions of this article or any of the rules and regulations made by said State board of health, to carry out any of the provisions thereof, or any person who shall prevent or attempt to prevent any of the officers of the State board of health or any of the officers of the several county boards of health or any person employed by them or either of them, from performing any of the duties prescribed in this article, or any of the rules and regulations made and prescribed by the State board of health, or by the county boards of health or any practicing physician or other person who shall fail to report to the superintendent of the county board of health the existence of any contagious or infectious disease, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one hundred dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment, in the discretion of the court.

SEC. 1048. *Duties, township board of health.*—The board of health may examine into all * * * causes of sickness, and make such regulations respecting the same as they may judge necessary for the public health and safety of the inhabitants; and every person who shall violate any order or regulation made by any board of health and duly published shall be deemed guilty of a misdemeanor and punished by a fine not exceeding $100, or by imprisonment in the county jail not exceeding three months.

SEC. 1049. *Regulations.*—Notice shall be given by the board of health of all orders and regulations made by them, by publishing the same in some newspaper if there is one published in such town or the county; if there is none,

then by posting up such notice in five public places therein; and such publication of said orders and regulations shall be deemed a legal notice to all persons.

SEC. 1229. The city council shall have the following powers:

63. To do all acts, make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease.

81. To pass all ordinances, rules, and make all regulations, proper or necessary to carry into effect the powers granted to the cities, with such fines or penalties as the city council shall deem proper: *Provided*, No fine or penalty shall exceed $100, and no imprisonment shall exceed three months for one offense.

SEC. 1054. *Quarantine.*—When any person coming from abroad, or residing in any town in this state is infected or lately has been infected with the smallpox or other contagious disease dangerous to the public health, the board of health of the town where such sick or infected person is may immediately cause such person to be removed to a separate house if it can be done without danger to his or her health, and shall provide for such person or persons nurses, medical attendance and other necessaries, which shall be a charge in favor of such town upon the person so provided for, his parents, guardian or master, if able, otherwise upon the county to which he belongs, or upon the state, if said person be a non-resident of the state.

SEC. 1055. *Quarantine guards.*—If such infected person cannot be removed without danger to his or her health, the board of health shall make provision as directed in the preceding section for such person in the house where he may be, and in such case they may cause the persons in the neighborhood to be removed, and may take such other measures as they may deem necessary for the safety of the inhabitants.

SEC. 1056. *Isolation hospital to be provided.*—When a disease dangerous to the public health breaks out in any town, the board shall immediately provide such hospital or place of reception for the sick and infected as is judged best for their accommodation and the safety of the inhabitants, which shall be subject to the regulations of the board; and the board may cause any sick and infected person to be removed thereto, unless his condition will not admit of such removal without danger to his health, in which case the house or place where he remains shall be considered as a hospital and with all its inmates subject to the regulations of the board.

[Penal Code.]

SEC. 450. *Maritime quarantine—Regulations.*—Every master of a vessel subject to quarantine or visitation by the health officer, by the provisions of any law of this state, now in force or that hereafter may be enacted, arrives in any port or at the boat landing of any city or town in this state, who refuses or omits, either:

1. To proceed with and anchor or land his vessel at the place assigned for quarantine, at the time of his arrival;

2. To submit his vessel, cargo and passengers to the examination of the health officer, and to furnish all necessary information to enable that officer to determine to what length of quarantine and other regulations they ought respectively to be subject; or,

3. To remain with his vessel at quarantine, during the period assigned for her quarantine and while at quarantine, to comply with the directions and regulations prescribed by law, and with such as any of the officers of health, by virtue of the authority given them by law, shall prescribe in relation to his vessel, his cargo, himself, his passengers or crew, is punishable by imprison-

ment in a county jail not exceeding one year, or by a fine not exceeding two thousand dollars, or both.

SEC. 451. Every master of a vessel hailed by a pilot or such officer as may be specified by law, who either:

1. Gives false information to such pilot or other officer relative to the condition of his vessel, crew or passengers, or the health of the place or places from whence he came, or refuses to give such information as shall be lawfully required; or,

2. Lands any person from his vessel, or permits any person, except a pilot or such officer specified by law, to come on board of his vessel or unlades or transships any portion of his cargo before his vessel has been visited and examined by the proper officers; or,

3. Approaches with his vessel nearer any city or town within this state than the place of quarantine to which he may be directed, is punishable by imprisonment in the county jail of the county in which the offense was committed, not exceeding one year, or by a fine not exceeding two thousand dollars, or both such fine and imprisonment.

SEC. 452. Every person who, being on board any vessel at the time of her arrival at any port within this state, under the provisions of section 450, lands from such vessel, or unlades or transships, or assists in unlading or transshipping any portion of her cargo, before such vessel has been visited and examined by the health officers, is punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding two thousand dollars, or both.

SEC. 453. Every person who goes on board of or has any communication, intercourse or dealing with any vessel at quarantine, or with any of the crew or passengers of such vessel, without the permission of the health officer, and every person who, without such authority enters the quarantine grounds or anchorage, is punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding two thousand dollars, or both; and in addition thereto he may be detained at quarantine so long as the health officers shall direct, not exceeding twenty days. And in case such person shall be taken sick of any infectious, contagious or pestilential disease, during such twenty days, he may be detained for such further time and at such place, as the health officer shall direct.

SEC. 454. *Breaking quarantine.*—Every person who, having been lawfully ordered by any health officer to be detained in quarantine, and not having been discharged, leaves the quarantine grounds or anchorage, or willfully violates any quarantine law or regulations, is guilty of a misdemeanor.

SEC. 485. *Public exposure.*—Every person who willfully exposes himself or another person, being infected with any contagious disease, in any public place or thoroughfare, except in his necessary removal in a manner not dangerous to the public health, is guilty of a misdemeanor.

SEC. 455. *Penalty.*—Every person who willfully opposes or obstructs any health officer or physician charged with the enforcement of the health laws, in performing any legal duty, is guilty of a misdemeanor.

SEC. 456. *Penalty.*—Every person who willfully violates any provision of the health laws, the punishment for violating which is not otherwise prescribed by those laws, or by this code, and every person who willfully violates or refuses or omits to comply with any lawful order, direction, prohibition, or regulation pescribed by any board of health or health officer, or any regulation lawfully made or established by any public officer under authority of the health laws, is punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding $2,000, or both.

[Shannon's Code, 1896.]

SEC. 3095. *Powers, etc., State board of health.*—The State board of health shall have the general supervision of the interests of health and life of the citizens of this State. They shall—

(1) Especially study the vital statistics of this State and endeavor to make intelligent and proper use of the records of sickness and death among the people.

(2) Make sanitary investigations and inquiries respecting the causes of disease, especially epidemics, the causes of death, effects of employments, habits, localities, and circumstances upon the health of the people.

(3) Advise, when they deem it necessary, in reference to location, water supply, drainage, and ventilation of any public institutions.

(4) And from time to time recommend works upon the subject of hygiene for the use of the schools of the State.

SEC. 3096. *State Board of Health may establish quarantine.*—The State Board of Health shall have power: (1) To declare quarantine whenever, in their judgment, the welfare of the public requires it. (2) To prescribe such rules and regulations as they may deem proper for the prevention of the introduction of yellow fever, cholera, and other epidemic diseases into the State of Tennessee. (3) Whenever the yellow fever, cholera, smallpox or other epidemic diseases, appear in any locality within the State, and information thereof is brought to the knowledge of said State Board of Health, they shall prepare and carry into effect such rules and regulations as in their judgment will, with the least inconvenience to commerce and travel, prevent the spread of the disease. (3097) They shall select suitable localities for establishing quarantine stations, and may erect necessary temporary buildings for the disinfection of passengers, baggage, cargoes, and other matters believed to convey the contagious principle of cholera, yellow fever, small-pox and other epidemic diseases, and may enforce such transhipment of passengers as they may deem necessary. (3098) They shall assign to the charge of each station a competent physician and necessary assistants, who shall receive such compensation as the said Board of Health may deem reasonable and just.

SEC. 3087. *Salaries and expenses.*—The members of the board shall receive no per diem compensation, excepting when the yellow fever, cholera, smallpox, or other epidemic disease shall have appeared in this State and they are actively engaged in the effort to suppress or prevent the spread of the same. They shall then be allowed a per diem compensation of not more than $10; but their traveling and other necessary expenses, while actively employed in the business of the board, shall at all times be allowed them.

SEC. 3099. *Violation of quarantine.*—Any person who shall wilfully disregard or evade such quarantine as said State Board of Health may declare, or violate any rule or regulation they shall make in attempting to prevent the spread of any epidemic disease, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars, nor more than five hundred, or imprisonment in the county jail for a period of three months, one or both, at the discretion of the court.

SEC. 3106. *County health boards, how constituted.*—The county judge or chairman, county court clerk, and the county health officer, or jail physician, are hereby constituted a county health board, with the jail physician or county health officer as president, who shall have the management of the general health of the county, and shall institute such measures therefor as they may think

best; and when cholera or yellow fever, or other contagious and epidemic diseases, are either threatened or exist in their county, it shall be the duty of the county health officer or jail physician to report to the State board of health at once, and as often thereafter as they may think proper, and the county board shall adopt and carry into effect such rules and regulations as may be prescribed by said State board of health having for their object the restriction and suppression of such diseases.

SEC. 3107. *Expenses.*—The necessary expenses incurred by said county board of health in preventing or restricting such epidemic diseases, as well as for the protection and promotion of the general health of the county, are hereby made a county charge, and the county court shall order the payment of the same out of the funds of the county.

SEC. 3108. *Penalty.*—Any person violating any rule or regulation of said board of health, having for their object the prevention, restriction, or extinction of epidemic and contagious diseases in the county, or the promotion of the general good health of the same, and shall fail to comply with said rules and regulations after a written notice pertaining thereto is served upon him or her, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $5 nor more than $25, or confined in the county jail, for each offense, at the discretion of the court.

[Acts 1905, ch. 519.]

SECTION 1. *Reports by householders.*—Whenever any case of smallpox, yellow fever, cholera, bubonic plague, typhus fever, diphtheria, membranous croup, scarlet fever, or other communicable diseases exist (except it shall not embrace any venereal disease, such as gonorrhœa or syphilis, or is even suspected to exist in any household, it shall be the duty of the head of said household, or any other person in such household possessing knowledge of said facts, to immediately notify the municipal or county health authorities of the town or county wherein such disease or diseases exist or may be supposed to exist.

SEC. 2. *Reports by physicians.*—Whenever any physician, surgeon or practitioner of medicine shall know or suspect that any person or persons, whom they have been called to visit, or who has been brought to them for examination, or any other suspicious information received relative thereto, is, or are infected, or even suspected, with any of the aforementioned diseases, he shall, and it shall be his duty to, immediately notify the health authorities of the town or county in which said diseased person or persons are found.

SEC. 3. *Municipal and county boards to enforce communicable disease regulations.*—It shall be the duty of all municipal or county health authorities aforesaid, without delay, upon receiving such notice as is above provided for, to immediately proceed to carry out such rules and regulations as the State Board of Health may prescribe, having for their object the prevention and restriction of the disease or diseases aforementioned in Section 1 of this Act. It shall be the duty of said local health authorities, upon the receipt of said notice of existing or suspected disease aforesaid, to inspect or cause the house or locality to be inspected by its sanitary officers, and on discovering that such disease exists, the local health officer or local Board of Health (either municipal or county, as the case may be) may, as he (or it) deems best, isolate and quarantine said diseased person or persons. He (or it) may also quarantine any other person or persons exposed to said disease and restrain them within their home or locality from intercourse with other persons, and prohibit ingress or egress to or from such premises whenever it is necessary for the prevention or restriction of such diseases, and any person or persons isolated or quarantined that shall

wilfully escape from said isolation or quarantine before they have fully recovered or before their clothes have been disinfected by the authorities in charge, or wilfully permit clothes or other articles to be carried from the infected premises prior to disinfection, shall be fined not less than fifty ($50) dollars nor more than one hundred ($100) dollars, or confined in the county jail for a period of not more than three months, one or both, in the discretion of the court.

SEC. 4. *Placarding; quarantine.*—It shall be the duty of the said local Board of Health or its health officer, when a case of smallpox, cholera, bubonic plague. yellow fever, typhus fever, diphtheria, membranous croup, or scarlet fever is reported within its jurisdiction, to at once cause to be placed in a conspicuous position on the house wherein any of the aforesaid diseases occur or exist a quarantine card having printed on it in large letters the name of the disease within, and to prohibit entrance to or exit from such house without written permission from the health officer, and no person quarantined by a local Board of Health or its health officer on account of having a contagious disease, or for having been exposed thereto, shall leave such quarantined house or place without the written permission of the health officer, and every physician attending a person affected with any of the aforesaid diseases shall use such precautionary measures to prevent the spread of the disease, as may be required by said local Board of Health. No person shall remove nor deface nor destroy such quarantine card, which shall remain in place until the patient has been removed from such house, or has recovered and is no longer capable of communicating the disease, and the said house and the contents thereof have been properly disinfected by the said local Board of Health and all other sources of danger of communicating the disease are removed.

SEC. 5. *Quarantine guards.*—Said local Board of Health may employ as many persons as it deems necessary to execute its orders and properly guard any house or place containing persons affected with any of the diseases named herein, or who have been exposed thereto, and such person or persons may be deputized by the Sheriff of the county as quarantine guard, and shall be vested with all the power and authority of the Sheriff, and may use all necessary means to enforce the provisions of this chapter for the prevention and spread of the aforesaid communicable diseases, or the order of any Board of Health made in pursuance thereof.

SEC. 6. *Quarantined persons to be provided with necessities.*—Whenever a house or other place is quarantined on account of a communicable disease, it shall be the duty of the Board of Health having jurisdiction to provide for all persons confined in such house or place, food, fuel, and all other necessaries of life, including medicine and nurses whenever necessary, the expenses so incurred, except those for disinfection, quarantine, or other measures strictly for the protection of the public, shall be paid by the person or persons quarantined; *Provided*, when such persons are not able to pay such expenses, it shall be paid by the municipality or county in which he or they are quarantined.

SEC. 7. *Disinfection.*—It shall be the duty of every physician in attendance upon any person afflicted with any contagious or infectious disease designated in this Act, to notify the proper health officer when said premises are ready for disinfection, so that the same may be properly disinfected under the directions of said health officer or some other person under his authority.

SEC. 10. *Reports to school authorities.*—Said local health authorities shall further, upon the receipt of said notice of existing or suspected disease aforesaid, notify the Board of Education of such municipality, if the case exists in such municipality, or if in the country, the County Superintendent of Public

Instruction or District School Boards of the facts in every such case, giving name, age, and sex of the individual so sick, name of disease, street, and number of the house, if in a town, or otherwise sufficiently designate the house if in the rural district, and said public school authorities shall not allow any pupil to attend any public school from said house while any inmate of same is sick of smallpox or other communicable disease, or during the period of two weeks, after the death, recovery, or removal of such sick person.

SEC. 11. *Reports to state board.*—It shall be the duty of each and every Municipal or County Board of Health in this State upon receiving information of the existence or suspected existence in their respective jurisdiction of any case of smallpox, cholera, yellow fever, scarlet fever, diphtheria, or other disease dangerous to the public health, to immediately notify the State Board of Health of the fact, and in addition, on the first of each and every month make a written report and forward the same without delay to said Board of all communicable diseases occurring in their respective jurisdictions for the last month preceding, setting forth in said report in separate columns, the age, color, and sex of the individual, name of each disease, number of cases, number of deaths, together with such other information as said State Board of Health may desire.

SEC. 12. *Copy of law to householder.*—Whenever any one of said local health authorities, either municipal or county, as the case may be, isolates, quarantines, or placards any person or persons or house or houses for the aforesaid communicable diseases, it shall be the duty of said health official to deliver or cause to be delivered to the head of such household a copy of this Act or such portion thereof as may pertain to the particular case under consideration.

SEC. 13. *Penalty.*—Any person or persons mentioned in this Act, unless the penalty heretofore in this Act is prescribed, who shall wilfully neglect or refuse to comply with any of the above provisions, shall be guilty of a misdemeanor and shall be fined not less than ten ($10) nor more than one hundred ($100) dollars, or confined in the county jail for a period of not more than three months, one or both in the discretion of the court; and upon complaint from any of said health authorities it shall be the duty of the District Attorney to prosecute the violation of this Act.

SEC. 14. *Public exposure.*—Any person having reason at the time to believe himself afflicted with any contagious disease shall voluntarily go upon any public highway or street, or to any place at which people are accustomed to collect or assemble, or who shall enter or go on board any steamboat, railroad car, or other public conveyance, and all persons who shall knowingly aid or assist any one thus to offend, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty ($50) nor more than two hundred ($200) dollars, or confined in the county jail for a period not more than three months, one or both, in the discretion of the court. Grand juries shall have inquisitorial power in all cases of violation of this section.

SEC. 15. *Interference by State authorities.*—Whenever local Board of Health (either municipal or county) wilfully neglect or refuse to comply with the provisions of this Act, and it is apparent that an epidemic of a communicable disease is threatened to invade other municipalities or counties, it shall then become the duty of the State Board of Health to carry out the provisions of this Act in such municipality or county, as the case may be, and the necessary expense incurred by the State Board of Health in carrying out this Act shall be paid by the respective municipality or county, as the case may be, to the Comptroller of the State of Tennessee, and said Comptroller shall place same to the credit of the State Board of Health.

[Acts of 1909, ch. 30.]

SEC. 4. *Assistants, etc., State board of health.*—The president of the board shall at the first meeting of the board appoint, with the approval of the governor, the following:

1. An assistant State health officer, * * * whose duty it shall be to assist the president of the board in a general supervision of the affairs of his office and in the enforcement of quarantine and sanitation throughout the State. * * *

3. A chemist and bacteriologist, who * * * shall make examination and analyses of such things and matters as may be submitted to him by the board, or the State health officer, and shall report results of such examinations in such manner and form as may be directed by the board.

5. One inspector at a salary of $1,800 per annum. It shall be the duty of such inspector to conduct such inspection as required by the board and the president of the board, and to assist in the enforcement of all sanitary and quarantine laws of the State, and to perform such other necessary services as may be prescribed by the president of the board.

SEC. 7. *Quarantine.*—The president of the board shall have charge of and superintend the administration of all matters pertaining to State quarantine, with full authority to declare and enforce quarantine, but the quarantine service shall be maintained upon its present operating basis and under the existing general laws relating thereto, and shall be operative under the existing appropriations until the end of the current fiscal year.

SEC. 9. *Sanitary measures—investigations, etc.*—The State board of health shall have general supervision and control of all matters pertaining to the health of the citizens of this State, as provided herein. It shall make a study of the causes and prevention of infectious and contagious diseases within the State, and except as otherwise provided in this act shall have direction and control of all matters of quarantine regulations and enforcement, and shall have full power and authority to prevent the entrance of such diseases from points without the State, and shall have direction and control over all sanitary and quarantine measures for dealing with all such diseases within the State, and to suppress same and prevent their spread.

SEC. 12. *Duties and powers.*—It shall be the duty of said Texas State Board of Health to perform all functions and duties now imposed by existing laws upon the State health officer, and whenever State health officer is mentioned in the present laws the Texas State Board of Health shall be deemed to succeed in purpose and effect, whenever such statutes are not in conflict with this act.

SEC. 13. *Police powers.*—Each member of the said Texas State Board of Health and each of its inspectors and officers is hereby constituted a peace officer and shall have power to arrest persons violating any of the provisions of the sanitary code to be adopted by the board, of the violation of any public health, sanitary, or quarantine law of the State, and such member, officer, or inspector may so arrest such offenders without warrant when the offense is committed within the presence or sight of such member, officer, or inspector, but otherwise only when in the execution of a warrant issued by a proper officer.

It is hereby made the duty of all sheriffs and their deputies and constables and their deputies, police officers, town marshals, State rangers, and all other peace officers to assist in the apprehension and arrest of all persons violating any provisions, rules, ordinances, or laws or the sanitary code for Texas as it

may be adopted by said board, or for violation of any public health, sanitary, or quarantine laws of the sanitary code for Texas as it may be adopted by said inspectors and officers of said board, to apprehend and arrest all persons who may commit any offense against the public health laws of this State, or the rules, regulations, ordinances, and laws of the sanitary code for Texas when adopted, published, and promulgated by said board of health, as provided in this act, when charged to execute a warrant of arrest issued by the proper officer for the apprehension and arrest of all persons charged with so offending.

SEC. 14. *Inspections, etc.*—The members of the board of health and every person duly authorized by them upon presentation of proper authority in writing are hereby empowered whenever they may deem it necessary in pursuance of their duties to enter into, examine, investigate, inspect, and view all grounds, public buildings, factories, slaughterhouses, packing houses, abattoirs, dairies, bakeries, manufactories, hotels, restaurants, and all other public places and public buildings where they may deem it proper to enter for the discovery and suppression of disease and for the enforcement of the rules, regulations, and ordinances of the sanitary code of Texas after it has been adopted, promulgated, and published by the board for the enforcement of any and all health laws, sanitary laws, or quarantine regulations of this State.

SEC. 15. *Oaths and witnesses.*—The members of said board of health and its officers are hereby severally authorized and empowered to administer oaths and to summon witnesses and compel their attendance in all matters proper for the said board to investigate, such as the determination of nuisances, investigation of public water supplies, investigation of any sanitary conditions within the State, investigation of the existence of infection or the investigation of any and all matters requiring the exercise of the discretionary powers invested in said board and its officers and members and in the general scope of its authority invested by this act. The several district judges and courts are hereby charged with the duty of aiding said board in its investigations and in compelling due observance of this act, and in the event any witness summoned by said board or any of the officers or members of the same shall prove disobedient or disrespectful to the lawful authority of such board, officer, or member, such person shall be punished by the district court of the county in which such witness is summoned to appear as for contempt of said district court.

SEC. 16. *Penalty.*—Any witness when summoned to appear before said board who shall falsely testify as to any matters proper for the determination of any question which the board may be investigating shall be deemed guilty of perjury, and shall be punished as provided by law for the offense of perjury.

SEC. 24. *Duties—County health officers.*—Each county health officer shall perform such duties as have heretofore been required of county physicians with relation to caring for the prisoners in county jails and in caring for the inmates of county poor farms, hospitals, discharging duties of county quarantine, and other such duties as may be lawfully required of the county physician by the commissioners, court, and other officers of the county, and shall discharge any additional duties which it may be proper for county authorities under the present laws to require of county physicians, and in addition thereto he shall discharge such duties as shall be prescribed for him under the rules, regulations, and requirements of the Texas State Board of Health or the president thereof, and is empowered and authorized to establish, maintain, and enforce quarantine within his county. He shall also be required to aid and assist the State board of health in all matters of local quarantine, inspection, disease prevention and suppression, vital and mortuary statistics, and general sanitation within his county, and he shall at all times report to the State board of health,

in such manner and form as it shall prescribe, the presence of all contagious, infectious, and dangerous epidemic diseases within his jurisdiction, and he shall make such other and further reports in such manner and form and at such times as said Texas State Board of Health shall direct, touching such matters as may be proper for said State board of health to direct, and he shall aid said State board of health at all times in the enforcement of its proper rules, regulations, requirements, and ordinances and in the enforcement of all sanitary laws and quarantine regulations within his jurisdiction.

SEC. 28. *Duties—City health officers.*—Each city health officer shall perform such duties as may now or hereafter be required by the city councils and ordinances of city physicians and such duties as may be required of him by general law and city ordinances with regard to the general health and sanitation of towns and cities, and perform such other duties as shall be legally required of him by the mayor, councils, commissioners, or the ordinances of his city or town. He shall in addition thereto discharge and perform such duties as may be prescribed for him under the directions, rules, regulations, and requirements of the State board of health and the president thereof. He shall be required to aid and assist the State board of health in all matters of quarantine, vital and mortuary statistics, inspection, disease, prevention and suppression, and sanitation within his jurisdiction. He shall at all times report to the State board of health in such manner and form as shall be prescribed by said board of health the presence of all contagious, infectious, and dangerous epidemic diseases within his jurisdiction, and shall make such other and further reports in such manner and form and at such times as said State board of health shall direct touching all such matters as may be proper for the State board of health to direct, and he shall aid said State board of health at all times in the enforcement of proper rules, regulations, and requirements in the enforcement of all sanitary laws, quarantine regulations, and vital statistics collection, and perform such other duties as said State board of health shall direct.

In all matters in which the State board of health may be clothed with authority said city health officer shall at all times be governed by the authority of said board of health, and failure or refusal on the part of said city health officer to properly perform the duties of his office as prescribed by this act shall constitute malfeasance in office and shall subject said city health officer to removal from office at the relation of the State board of health, which cause shall be tried in the district court of the county in which such city health officer resides.

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SEC. 10 (as amended by ch. 95, acts of 1911).—*Sanitary Code.*—The following rules are hereby enacted as the "Sanitary Code for Texas," adopted for the promotion and protection of the public health and for the general amelioration of the sanitary and hygienic condition within this State, for the suppression and prevention of infectious and contagious diseases, and for the proper enforcement of quarantine, isolation, and control of such diseases, to wit:

Rule 1. Physicians shall report contagious and pestilential diseases and deaths from same.—Every physician in the State of Texas shall report in writing or by an acknowledged telephone communication to the local health authority, immediately after his or her first professional visit, each patient he or she shall have or suspect suffering with any contagious disease, and if such disease is of a pestilential nature, he shall notify the President of the State Board of Health at Austin by telegraph or telephone at State expense, and he or she shall report to the said health authority every death from such disease

immediately after it shall have occurred. The attending physician is authorized and it is made his duty to place the patient under the restrictions of character described hereinbelow in the case of each and every respective disease.

Rule 2. Local health authority means city or county health officer or local board of health.—For the purpose of these regulations, the phrase "local health authority" shall be held to designate the city or county health officer, or local board of health, within their respective jurisdictions.

Rule 3. "Contagious diseases" shall include Asiatic cholera, etc., and be reported to the President of the State Board of Health.—The phrase "contagious disease" as used in these regulations shall be held to include the following diseases, whether contagious or infectious, and as such shall be reported to all local health authorities and by said authorities reported in turn to the President of the State Board of Health: Asiatic cholera, bubonic plague, typhus fever, yellow fever, leprosy, smallpox, scarlet fever (scarlatina), diphtheria (membranous croup), epidemic cerebro-spinal meningitis, dengue, typhoid fever, epidemic dysentery, trachoma, tuberculosis, and anthrax.

Rule 4. City and county health officers to keep record of contagious diseases.—City and county health authorities shall keep a careful and accurate record of all cases of contagious diseases as reported to them with the date, name, age, sex, race, location and such other necessary data as may be prescribed by the State Board of Health. And they shall also make a monthly report of all contagious diseases, of which they may be cognizant, to the President of the State Board of Health before the fifth of the following month upon blank forms provided by the State Board of Health. The reports on tuberculosis are to be privately kept and are to be considered in the light of confidential communication not for the purpose of isolation, but with the object of education in sanitary precautions, and to supply literature of the State Board of Health.

Rule 5. Rules and regulations as to quarantine and disinfection to be observed by health authorities, etc.—The following rules of instruction for the regulation of quarantine, isolation, and disinfection in the several contagious diseases, hereinbefore mentioned, are to be observed by all boards of health, health officers, physicians, school superintendents and trustees, and others. All health authorities of counties, cities, and towns in this State are hereby directed and authorized to establish local quarantine, hold in detention, maintain isolation, and practice disinfection as hereinafter provided for, of all such infected persons, vehicles, or premises which are infected or are suspected of being infected with any of the above named diseases wherever found.

(a) Absolute quarantine includes, first, absolute prohibition of entrance to or exit from the building or conveyance except by officers or attendants authorized by the health authorities, and the placing of guards if necessary to enforce this prohibition; second, the posting of a warning placard stating "contagious disease," in a conspicuous place or places on the outside of the building or conveyance; third, the prohibition of the passing out of any object or material from the quarantined house or conveyance; fourth, provision for conveying the necessaries of life under care but restrictions to those in quarantine.

(b) Modified quarantine includes, first, prohibition of entrance and exit, and in absolute quarantine except against certain members of the family authorized by the health authorities to pass in and out under certain definite restrictions; second, the placing of a placard as before; third, isolation of patient and attendant; fourth, prohibition of the carrying out of any object or material unless the same shall have been thoroughly disinfected.

(c) Absolute isolation includes, first, the confinement of the patient and attendants to one apartment or suite of apartments, to which none but authorized

officers or attendants shall have admission; second, screening of room and entire house if necessary with not less than 16-mesh wire gauze; third, the prohibition of passing out of the sick room of any object or material until the same has been thoroughly disinfected; fourth, protection of the air of the house by hanging a sheet, kept constantly moist with a disinfectant solution, over the doorway of the patient's room or rooms and reaching from top to the floor; fifth, if in the opinion of the local health authority the patient can not be treated, with reasonable safety to the public, at home, the removal of the patient and exposures to a contagious disease hospital or pest house.

(d) Modified isolation includes the confinement of the patient and attendants to one room or suite of rooms, to which none but authorized officers or attendants shall have admission, but allowing the attendants to pass out of the room after disinfection of person and complete change of clothing; second, screening as above mentioned; third, the prohibition of passing any object or material out of the sick room until it has been disinfected; fourth, protection of the doorway as before.

(e) Special isolation includes, first, prohibition of patient from attending any place of public assemblage; second, the providing of separate eating utensils for the patient; third, prohibition of sleeping with others or using the same towels or napkins.

(f) By complete disinfection is meant disinfection during illness, under direction of attending physician, of patient's body, of all excretions or discharges of patient and of all articles of clothing and utensils used by patient; and after recovery, death or removal, the disinfection of walls, woodwork, furniture, bedding, etc.

(g) By partial disinfection is meant disinfection of discharges or excretions of patients and their clothing and the room or rooms occupied by the patients during illness.

Rule 6. Disinfection shall be done according to direction of State board of health.—All disinfection prescribed in these regulations shall be a part of the control of the disease, and shall be done according to the direction of the Texas State Board of Health in its circular on disinfection.

Rule 7. Health authority shall placard all houses where contagious diseases exist.—Upon notice that smallpox, diphtheria, scarlet fever or other quarantinable disease exists within his jurisdiction, it shall be the duty of the local health authority to have the house in which such disease prevails placarded by placing a yellow flag or card not less than eight inches wide and twelve inches long with the words "contagious disease" and the quarantine regulations printed thereon in a conspicuous place on said house.

Rule 8. Persons forbidden going to or leaving quarantined premises.—After the house is flagged or placarded, all persons except the attending physician or health officer, are forbidden from going in or leaving such premises, without the permission of the local health authority, and the carrying off, or causing to be carried off, of any material whereby such disease may be conveyed, is prohibited until after the disease has abated and the premises, dwelling and clothing have been disinfected and cleaned as the local health authority may direct.

Rule 9. Persons affected or exposed to contagious diseases shall obey health authority.—It shall be the duty of all persons infected with any contagious diseases, or who, from exposure to contagion from such disease, may be liable to endanger others who may come in contact with them, to strictly observe such instructions as may be given them by any health authority of the State, in order to prevent the spread of such contagious disease, and it shall be lawful for such health authorities to command any person thus infected or exposed to

infection to remain within designated premises for such length of time as such authority may deem necessary.

Rule 10. Persons having certain diseases shall not be allowed on thoroughfares.—All persons having any quarantinable disease are prohibited from riding on any public vehicle or conveyance, and from being upon public thoroughfares or in public assemblages.

Rule 11. Placard shall not be destroyed or removed.—No person, or persons, shall alter, deface, remove, destroy or tear down any card posted by a local health authority. The occupant or person having possession or control of a building upon which a quarantine notice has been placed shall within twenty-four (24) hours after the destruction or removal of such notice by other than the proper health authority notify the local health authority of such destruction or removal.

Rule 12. Quarantinable pestilential diseases; absolutely quarantined.—In the management and control of the following pestilential diseases: cholera, plague, typhus fever and yellow fever, the house must be placarded, premises placed in absolute quarantine, patient in absolute isolation and a complete disinfection done upon death or recovery taking place.

Rule 13. Quarantinable dangerous contagious diseases; modified quarantine.—In the management and control of leprosy, smallpox, scarlet fever (scarlatina), diphtheria (membranous croup) and dengue it is required that the house be placarded, premises placed in modified quarantine, patient in modified isolation and complete disinfection done upon death or recovery.

Rule 14. Non-quarantinable contagious diseases.—The management and control of typhoid fever, cerebro-spinal meningitis (epidemic), epidemic dysentery, trachoma, acute catarrhal conjunctivitis), tuberculosis and anthrax requires special isolation and partial disinfection.

Rule 15. Quarantinable for school purposes; barred from school twenty-one days.—Persons suffering from measles, whooping cough, mumps, German measles (rotheln) and chicken-pox, shall be required to be barred from school for twenty-one days (at the discretion of the local health officer) from date of onset of the disease, with such additional time as may be deemed necessary, and may be readmitted on a certificate by him attesting to their recovery and non-infectiousness.

Rule 16. Minor diseases to be excluded during illness.—Those actually suffering from tonsilitis, scabies (itch), impetigo contagioso, favus, shall be excluded from school during such illness and be readmitted on the certificate of the attending physician attesting to their recovery and non-infectiousness.

Rule 17. Above rules not to abrogate other measures.—Provided, that the above requirements shall in no sense be construed as abrogating any additional precautionary measures enforced by local health authorities, but it is expected that additional restrictive measures will be taken at the discretion of the local health authorities when the necessity arises, more especially in the more densely populated cities and towns, or when violations of quarantine occur.

Rule 18. Health authority to investigate reported cases.—Whenever a local health authority is informed or has reason to suspect that there is a case of smallpox, scarlet fever, or other reportable disease within the territory over which he has jurisdiction he shall immediately examine into the facts of the case and shall adopt the quarantine or employ the sanitary measures as herein provided.

Rule 19. Health authority shall see that quarantine and disinfection is carried out.—Within his jurisdiction, each and every local health authority shall see that the quarantining or disinfection of any house, building, car, vessel, or vehicle, or any part thereof and of any articles therein likely to retain infection,

is carrid out, and that all persons who have been in quarantine are required to take a disinfecting bath, before the same are released. And in the event of the disease having been smallpox, all persons exposed shall be isolated for eighteen days from time of last exposure unless successfully vaccinated.

Rule 20. Premises occupied by persons with contagious disease to be disinfected before reoccupied.—No person shall offer for hire or cause or permit any one to occupy apartments previously occupied by a person ill with smallpox, scarlet fever, diphtheria, or tuberculosis, or any quarantinable disease, until such apartments shall have been disinfected under the supervision of the local health authority.

Rule 21. On failure to disinfect premises they shall be placarded.—Whenever these rules and regulations, or whenever the order or direction of the local health authority requiring the disinfection of articles, premises or apartments, shall not be complied with, or in case of any delay, said authority shall forthwith cause to be placed upon the door of the apartment or premises a placard as follows: "These apartments have been occupied by a patient suffering with a contagious disease and they may have become infected. They must not be again occupied until my orders directing the renovation and disinfection of same have been complied with. This notice must not be removed, under penalty of law, except by an authorized health official."

Rule 22. Nurses and midwives shall report redness of eyelids or inflammation to health authorities.—Whenever any nurse, midwife or other person not a legally qualified practitioner of medicine shall notice inflammation of the eyes or redness of the lids in a newborn child under his or her care, it shall be the duty of such person to report the same to the local health authority, or in his absence any reputable physician, within twelve hours of the time the disease is first noticed.

Rule 23. Householders or heads of families to report contagious diseases.—Every hotel proprietor, keeper of a boarding house or inn, and householder or head of family in a house wherein any case or reportable contagious disease (including tuberculosis) may occur, shall report the same to the local health authority within twelve hours of the time of his or her first knowledge of the nature of such disease, unless previous notice has been given by the physician in attendance; and in cases of quarantinable diseases until instructions are received from the said local health authority shall not permit any clothing or other article which may have been exposed to infection to be removed from the house; nor shall any occupant of said house change his residence elsewhere without the consent of said local health authority.

Rule 24. Persons suffering from reportable diseases shall not work where food products are produced.—No person suffering with any reportable disease, or who resides in a house in which there exists a case of smallpox, scarlet fever, diphtheria or typhoid fever, shall work or be permitted in or about any dairy or any establishment for the manufacture of food products, until the local health authority has given such a person a written certificate to the effect that no danger to the public will result from his or her employment or presence in such establishment.

Rule 25. Health authority shall send attending physician printed matter.—Immediately after being notified of any case of smallpox, scarlet fever, diphtheria, typhoid fever or tuberculosis, the local health authority shall send to the attending physician, or with his approval directly to the patient, the printed matter published by the State Board of Health relative to the prevention and control of such diseases.

Rule 26. Persons with trachoma or contagious catarrhal conjunctivitis to be excluded from schools.—Persons afflicted with trachoma, granulated lids, or contagious catarrhal conjunctivitis must be excluded from schools, public assemblages and from close association with other individuals, unless they are under the constant care and strict supervision of a competent physician, and hold a certificate from said physician stating that active inflammation has subsided, said certificate to be countersigned by the local health authority.

Rule 27. Schools temporarily closed and disinfected.—A school house wherein a child suffering with smallpox, scarlet fever or diphtheria has been present, shall be deemed infected, and must be temporarily closed and thoroughly disinfected and cleaned under the supervision of the local health authority before the reopening of the school.

Rule 28. School may be reopened after disinfection and vaccination.—In the event of the aforementioned disease being smallpox and in case the Board of Trustees having passed a regulation requiring a successful vaccination of all teachers and pupils, the school may be reopened immediately after the above disinfection and cleaning, and all teachers and pupils who have been successfully vaccinated may return; otherwise the school shall be kept closed eighteen days, or until the local health authority directs otherwise.

Rule 29. Health authority to notify superintendents of pupils from infected houses.—The local health authority shall notify the superintendent or principal of any school of the locations of quarantinable diseases, and if the superintendent or principal finds any attendants in such schools who live in said houses, he shall deny them admission to the said schools, only admitting them again upon presenting a certificate from the attending physician, countersigned by the local health authority, that there is no longer danger from contagion.

Rule 30. Children with contagious diseases shall not attend school.—No superintendent, principal or teacher of any school, and no parent, master or guardian of any child or minor, having the power and authority to prevent, shall permit any such child or minor, having any quarantinable disease, or any child residing in any house in which any such disease exists or has recently existed, to attend any public, private, parochial, church or Sunday school until the requirements of these rules shall have been complied with.

Rule 31. Health authorities to assume control of quarantine in their jurisdiction.—In all incorporated cities and towns the city health authorities shall assume control and management of contagious diseases and exposures and practice quarantine, isolation and disinfection as herein provided. In those portions of all counties in this State, outside of incorporated cities and towns, the county health officer shall assume management and control of contagious diseases and exposures and practice quarantine, isolation and disinfection as herein provided.

Rule 32. These rules not to prevent local rules of quarantine if no conflict.—Nothing contained in these regulations shall be construed to prevent any city, county or town from establishing any quarantine which they may think necessary for the preservation of the health of the same; provided, that the rules and regulations of such quarantine be not inconsistent with the provisions of these regulations and be consistent with and subordinate to said provisions, and the rules and regulations prescribed by the Governor and State Board of Health. It shall be the duty of the local health authority to at once furnish the President of the State Board of Health with a true copy of any quarantine orders and regulations adopted by said local authorities.

Rule 33. Health authorities may pass through quarantine lines.—All health authorities shall have the privilege and shall be allowed to pass through all quarantine lines, whether instituted at the instance of State or local authorities,

they first requesting permission and acquainting the officers or guards in charge with the fact of their being properly authorized health officers, and with the additional statement that they are fully acquainted with the nature of the diseases that they are visiting, and further that they will take proper precautions to prevent carrying the infection themselves.

Rule 51. Contagious diseases barred from public vehicles.—No person known to be suffering from any contagious disease such as smallpox, scarlet fever, diphtheria, measles, or whooping cough shall be allowed to enter or ride in any day coach, sleeping car, interurban car or street car, and when any such person is discovered to be in any car as mentioned above, it shall be the duty of the conductor or other individual in charge of said car to notify the nearest or most accessible county or city health officer, and the latter shall remove and isolate said patient as is proper in such case or circumstance.

Any person who shall violate any of the rules, regulations or provisions of the Sanitary Code of Texas, as herein set forth, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than ten dollars and not more than one thousand dollars.

Provided, this Act shall not be construed to repeal any of the laws of this State now in force affecting the public health, which are not clearly in conflict herewith, but shall be construed to be cumulative of said laws.

(Revised Statutes, 1895.)

ART. 415. *Powers, cities.*—The city council shall have power * * *

ART. 417. To make regulations to prevent the introduction of contagious disease into the city, to make quarantine laws for that purpose, and to enforce them within the city and within 10 miles thereof.

ART. 424. To erect or establish one or more hospitals and control and regulate the same; and to prohibit or to permit and regulate the establishment of private hospitals.

ART. 538. The city council shall have power to take such measures as they may deem effectual to prevent the entrance of any pestilence, contagious or infectious diseases into the city; to stop, detain, and examine, for that purpose, any person coming from any place infected or believed to be infected with that disease; to establish, maintain, and regulate pesthouses or hospitals at some place within the city, or not exceeding 5 miles beyond its bounds; to cause any person who shall be suspected of being infected with any such disease to be sent to such pesthouse or hospital; to remove from the city or destroy any furniture, wearing apparel, or property of any kind which shall be suspected of being tainted or infected with pestilence, or which shall be likely to pass into such a state as to generate or propagate diseases; to abate all nuisances of every description which are or may become injurious to the public health, in any manner that they may deem expedient; and from time to time do all acts, make all regulations, and pass all ordinances which they shall deem expedient for the preservation of health and the suppression of disease in the city.

ART. 119. *Insane asylum.* * * * nor any person laboring under a contagious or infectious disease shall be received into the asylum (lunatic asylum) as a patient.

ART. 3686. *Penitentiary.*—The physician (penitentiary physician) is specially charged with the sanitary regulations of the penitentiary, and shall make frequent inspections and use all precautions to keep the prison healthy and prevent the introduction and spread of epidemic or contagious diseases.

ART. 4321. *Governor may declare quarantine.*—The Governor is empowered to issue his proclamation declaring quarantine on the coast, or anywhere within

this State, whenever in his judgment quarantine may become necessary, and such quarantine may continue for any length of time as in the judgment of the Governor the safety and security of the people may require.

ART. 4324. Whenever the Governor has reason to believe that the State of Texas is threatened at any point or place on the coast, boarder or elsewhere within the State with the introduction or dissemination of yellow fever contagion, or any other infectious and contagious disease that can and should, in the opinion of the State Health Officer, be guarded against by State quarantine, he shall, by proclamation, immediately declare said quarantine against any and all such places, and direct the State Health Officer to promptly establish and enforce the restrictions and conditions imposed and indicated by said quarantine proclamation, and when from any cause the Governor can not act, and the exigencies of the threatened danger require immediate action, the State Health Officer is empowered to declare quarantine as prescribed in this article, and maintain the same until the Governor shall officially take action as he may see proper.

ART. 4325. The laws in regard to State quarantine shall remain and be in full force and operation on the coast or elsewhere in the State as the Governor or Health Officer may direct, and be enforced as heretofore, with such additional changes in station and general management as the Governor may think proper.

ART. 4326. *Local quarantine.*—The law in regard to local quarantine by the inhabitants of any point or points on the coast or elsewhere in the State shall remain in full force when in conformity with this title: *Provided*, That in all differences and disputes between any such points, contiguous or remote, within this State, such differences and disputes shall be immediately by the local health authorities, if any, and if none, by the inhabitants themselves, reported and submitted to the Governor, and on the receipt of such report he shall forthwith order the State Health Officer to such points with instructions to investigate the same and report the exact condition of things, and upon investigation of such report shall issue his proclamation declaring the determination of the issue, and by said proclamation the aforesaid differences shall be governed and determined.

ART. 4328. *Quarantine stations.*—Whenever quarantine is declared by the Governor or by any county or corporate authorities in the State, it shall be the duty of such authorities to establish a quarantine station or stations where any person may be detained for such length of time as in the discretion of the quarantine officers the public safety may demand: *Provided*, That all county and municipal quarantine shall be subordinate, subject to and regulated by such rules and regulations as may be prescribed by the Governor or State Health Officer.

ART. 4329. It shall be the duty of the State Health Officer to furnish persons detained by him with necessary shelter and subsistence (not including crews of vessels, except such as are removed by the quarantine officers from infected vessels), and to provide all other things essential for the protection and comfort of those held in quarantine, and all such expenses authorized by the State Health Officer and approved by the Governor shall be paid by the State.

ART. 4330. *Expenses.*—All the costs and expenses of enforcing and maintaining the general quarantine or such as are ordered by the Governor or State Health Officer shall be paid out of the fund appropriated for quarantine purposes. All quarantine officers appointed by the Governor shall be selected and commissioned by the Governor of the State, and all health authorities of the State, or of any county or city thereof, shall obey the rules and regulations prescribed by the Governor or State Health Officer. The regular officers in

charge of regular established quarantine stations on the coast shall be allowed one hundred and fifty dollars per month while on duty at their respective stations: *Provided*, That the provisions of this chapter shall not apply to the port of Galveston; and provided, that the officer in charge of said station shall receive two hundred dollars per month. Temporary officers or those commissioned by the Governor to guard against threatened epidemics, and those stationed at railway crossings on the Rio Grande, shall receive one hundred and fifty dollars per month while on duty, and such other pay for extra expenses actually incurred as may be deemed just by the Governor and State Health Officer. All quarantine officers, whether of towns, cities, counties or State, shall be authorized to administer oaths to any person or persons suspected of violating any quarantine regulations, and any person or persons swearing falsely shall be punished according to the provisions of the Penal Code.

ART. 4331. *Towns to provide quarantine stations.*—It is hereby made the duty of any county, town or city authority upon the coast or elsewhere in Texas, at as early a day as practicable after the promulgation of the Governor's proclamation declaring quarantine, to provide suitable stations where they are not now provided at sufficient distance from the usual places of landing of vessels, or the depots of railroads coming into their respective counties, towns or cities, and to select and appoint and employ a competent physician as health officer, subject to the approval of the Governor, at such stations, and to furnish such officer with such guards, employees and other things as may be necessary to render such quarantine effective; and said county, town or city authorities may provide for the establishment and maintenance of quarantine, subordinate, subject to and regulated by such rules and regulations as the Governor and State Health Officer may prescribe.

ART. 4332. *Governor may appoint local health officers.*—Whenever, on the coast of Texas or elsewhere in this State, the authorities of any county, town or city fail, refuse or neglect to establish quarantine as provided in the preceding article, then and in that event the Governor shall have the power and it shall be his duty to appoint a health officer and to prescribe such regulations for the government of the same as he may deem necessary.

ART. 4333. *Duties of quarantine authorities.*—It shall be the duty of all health officers and all quarantine authorities to stop each and every vessel from any infected port or district, notwithstanding the said vessel may have a clean bill of health, if deemed necessary (and such health officers or quarantine authorities shall have power to do so), to take the affidavit of the master of said vessel as to the health of himself and crew from the time of sailing from infected port or district; and such officers and authorities shall detain said vessel at quarantine for such length of time as may be prescribed by the governing quarantine; and all such officers and authorities may use force if necessary in order to discharge the duties imposed upon them by the provisions of this title and the rules and regulations of the Governor and State Health Officer.

ART. 4334. *Maritime quarantine.*—Any vessel arriving at any of the quarantine stations of this State, designated by the proper authorities, from any infected port or district without a clean bill of health from the proper officers from said port or district, shall be taken possession of by the health officer or other quarantine authority at the station at which said vessel arrives, and be held by the same until all fines that may have been assessed against the master of said vessel for a violation of the quarantine laws, rules and regulations have been paid, or until said vessel shall have been replevied in accordance with the law.

ART. 4335. *Fines.*—The payment of the fine which may be assessed against the master of such vessel shall not operate as a release or discharge of the vessel from quarantine, but the same rules shall apply as in case of other vessels placed in quarantine.

ART. 4336. *Account of expenditures.*—It shall be the duty of the county, town or city authorities aforesaid, as soon as the quarantine ceases to exist, to forward to the Comptroller of the State an itemized account of all receipts and expenditures made by them, and when approved by the Governor and State Health Officer, said Comptroller shall draw his warrant upon the Treasurer for the payment of any balance that may be due said authorities or either of them, and pay into the treasury any excess of receipts over expenditures as a credit to the quarantine fund.

ART. 4337. *Towns may establish additional quarantines.*—Nothing contained in this title shall be construed to prevent any town, city or county from establishing any quarantine which they may think necessary for the preservation of the health of the same; provided, that the rules and regulations of such quarantine be not inconsistent with the provisions of this title, and be consistent with and subordinate to said provisions and the rules and regulations prescribed by the Governor and State Health Officer.

ART. 4338. *Municipalities may make sanitary improvements.*—The municipal authorities of towns and cities, and commissioners courts of the counties wherein such towns and cities are situated, may co-operate with each other in making such improvements connected with said towns, cities and counties as may be deemed by said authorities and courts necessary to improve the public health and to promote efficient sanitary regulations; and by mutual agreement they may provide for the construction of said improvements and the payment therefor.

ART. 4340. *Duties of county physician.*—Whenever the commissioners court of any county has reason to believe that they are threatened at any point or place within or without the county limits with the introduction or dissemination of a dangerous, contagious or infectious disease that can and shall be guarded against by quarantine, they may direct their county physician to declare and maintain said quarantine against any and all such dangerous diseases; to establish, maintain and supply stations or camps for all those held in quarantine; to provide hospitals, tents or pest houses for those sick of contagious and infectious diseases; to furnish provisions, medicine and all other things absolutely essential for the comfort of the well and the convalescence of the sick. The county physician shall keep an itemized account of all lawful expenses incurred by local quarantine, and his county shall assume and pay them as other claims against the county are paid. Chartered cities and towns are embraced within the purview of this article, and the mere fact of incorporation does not exclude them from the protection against epidemic diseases given by the commissioners court to other parts of their respective counties. The medical officers of chartered cities and towns can perform the duties granted or commanded in their several charters, but must (if the county physician is not, as is frequently the case, the city physician also) be amenable and obedient to the rules prescribed by the State Health Officer. The article, however, must not be construed as prohibiting any incorporated town or city from declaring, maintaining and paying for a local quarantine.

ART. 4341. *Bond.*—The quarantine or health officer at Galveston, Texas, shall give bond, with two or more good and sufficient sureties, payable to the Governor, in the sum of ten thousand dollars, conditioned for the care and preservation of any steam vessel or vessels belonging to the State at his station, and for the faithful performance of his duty.

ART. 4342. *Disinfection of ships and cargoes.*—It is hereby made the duty of the Governor and State Health officer, upon completion of the disinfecting warehouse at Galveston, or any port on the coast of Texas, to prescribe such rules and regulations as may be necessary for the disinfection of all vessels and their cargoes and passengers arriving at said ports from any infected port or district, the object of such rules and regulations being to provide safety for the public health of the State without unnecessary restrictions upon commerce and travel.

ART. 4342a. *May sell useless property.*—The State Health Officer be and is hereby authorized, with the advice and consent of the Governor, to sell to the best advantage to the State, for cash, any property in the quarantine service that is useless, and to apply the proceeds thereof to the general revenue of the State of Texas, and make due report of said sale or sales to the Governor.

[Penal code, 1896.]

ART. 472. *Bill of health.*—After the legal establishment of any quarantine station on the coast of this State, if any vessel shall land or arrive at such station from any infected port without a bill of health from the proper officer of said port, or with a false bill of health, the master or commanding officer of such vessel shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than five hundred nor more than five thousand dollars.

ART. 473. *Evasion of quarantine.*—Any master or commanding officer of a vessel that passes or attempts to pass any quarantine station on the coast of this State during the continuance of the quarantine without having first obtained permission from the health officer of such station so to do shall be punished by imprisonment in the penitentiary not less than two nor more than five years, or by fine not less than five hundred nor more than ten thousand dollars.

ART. 474. *Breaking quarantine.*—Any person belonging to or on board of a vessel placed under quarantine who shall go ashore without the written permission of the health officer of the station shall be fined not less than fifty nor more than five hundred dollars.

ART. 475. *Removal cargo from quarantine.*—Any master or officer of a vessel placed under quarantine who shall land or permit to be landed from said vessel any goods, wares, merchandise or article whatsoever while the same is under quarantine without the written permission of the health officer of the quarantine station shall be fined not less than fifty nor more than one thousand dollars for each article so landed.

ART. 476. *Leaving quarantine.*—Any person detained at any quarantine station who shall wilfully absent himself without leave of the officer having charge thereof shall be deemed guilty of a misdemeanor, and on conviction thereof by any court of competent jurisdiction shall be punished by a fine of not less than ten dollars nor more than one thousand dollars.

ART. 477. *Penalty disobedience of health officer.*—Any health officer, guard or other employe who shall knowingly and wilfully disobey or in any manner knowingly neglect or fail to perform any duty imposed upon him by the provisions of quarantine laws, rules and regulations of this State, or who shall disobey knowingly an order emanating from superior authority, shall be fined, upon conviction by a court of competent jurisdiction, in a sum not exceeding one thousand dollars; provided, that in the meaning of this article the Governor and State Health Officer shall alone be deemed superior authority.

ART. 478 *Evasion of land quarantine.*—Any person coming from any port or district infected with yellow fever or any other infectious or contagious disease who shall knowingly evade any guard or pass through any cordon of quaran-

tine duly established shall be deemed guilty of a misdemeanor, and upon conviction of any court of competent jurisdiction be punished by fine not exceeding one thousand dollars.

ART 478a. *Violation of quarantine.*—Any person who shall knowingly and wilfully violate any regulation of quarantine established by the Governor, the State Health Officer, or the health officer of any county or city of this State, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty nor more than one thousand dollars.

ART. 478b. *Importation communicable disease.*—If any conductor or person in charge of any train, ship, steamboat, or any kind of common carriers, shall knowingly and wilfully bring into this State any person or thing contrary to the quarantine regulations as proclaimed by the Governor or State Health Officer, such conductor or person so knowingly and wilfully offending shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed five hundred dollars.

ART. 478c. Any merchant or other person who shall knowingly and wilfully order the shipment, or knowingly and wilfully receive any merchandise whose shipment into the State is prohibited by the Governor's proclamation, or any person who knowingly and wilfully sells and proceeds to deliver such merchandise or other article as above, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding five hundred dollars.

ART. 478d. *Concealment communicable disease.*—Any physician who shall knowingly conceal any case of contagious disease, or who shall fail to report to the county or city health officer any case of contagious disease of which he may have knowledge, shall upon conviction be fined in any sum not less than twenty-five dollars nor more than one hundred dollars.

ART. 539. *Common carriers not to import communicable diseases.*—The owner, driver, conductor or person in charge of any stage, railroad car or public conveyance, which shall enter the city, having on board any person sick of a malignant fever, or pestilential, contagious or infectious disease, unless such person became sick on the way and could not be left, shall be deemed guilty of a misdemeanor, punishable with fine and imprisonment, and such owner, driver, conductor or person in charge, shall, within three hours after the arrival of such sick person, report in writing the facts, with the name of such person and the house where he was put down in the city, to the health physician; and every neglect to comply with these provisions shall be a misdemeanor, punishable by fine and imprisonment, or either.

ART. 540. *Importation communicable disease.*—Any person who shall bring, or cause to be brought into the city, any person or property of any kind, tainted or infected with malignant fever, or pestilential or infectious disease, shall be guilty of a misdemeanor, and punished by fine and imprisonment, or either.

ART. 541. *Innkeepers to report communicable disease.*—Every keeper of an inn, hotel, tavern, boarding or lodging house in the city, in which any inmate thereof shall be sick with smallpox, varioloid, yellow fever, or other infectious or pestilential disease, shall, upon such fact coming to his knowledge, forthwith report the same to the health officer. Every physician in the city shall report under his hand, to the officer above named, the name, residence and disease of every patient whom he shall have sick of any infectious or pestilential disease, within six hours after he shall have visited such patient. A violation of either of the provisions of this section, or any part of either of them, shall be a misdemeanor, punishable by fine and imprisonment, or either.

[Acts of 1901, ch. 101.]

SECTION 1. *Disinfection of vessels.*—Any vessel arriving at a port of this State and required to be disinfected by the terms of the Governor's quarantine proclamation shall be disinfected by the quarantine officer of such port and shall pay to such quarantine officer such fees as may be prescribed by the Governor, before being released from quarantine.

All vessels boarded by the quarantine officer of any port shall pay to such officer such fees as are prescribed by the Governor.

The quarantine officer receiving such fees shall give bond in such sum as may be prescribed by the Governor for the safe keeping of such collection, and shall report and remit them to the State Health Officer at least once every month.

[Acts of 1909, ch. 26.]

SECTION 1. *State home for lepers.*—The Governor of Texas shall, as soon as practicable after the taking effect of this bill, appoint a commission to consist of the State Health Officer and two other citizens of the State of Texas, for the purpose of selecting a site for the erection of an institution to be known as the State Home for Lepers; such commission shall report within thirty days to the Governor their selection, which selection shall consist of not less than 100 acres of land, which said site shall not be less than five miles distant from any town or city within this State, and not less than one mile distant from any residence; said site shall upon selection by the commission aforesaid be purchased for the State and shall cost not to exceed $2,500. The Land Commissioner is thereby authorized upon the request of the board to award to the State any school land for the location of this home they may select, at the price fixed upon it by the Land Office: *Provided* nothing herein shall be construed as repealing any law now in force except as herein provided. Said members of said commission shall each be paid $5.00 per day and necessary expenses for the time actually consumed in the services required by this section of this law.

SEC. 2. *Site.*—As soon as practicable after the selection and purchase of such site, the said commission shall designate the exact location on the ground, and the character and plans for all necessary buildings, including a home for the superintendent of such home for lepers, said buildings to be on the cottage plan, and shall have plans and specifications made therefor, and shall advertise for thirty days in at least one newspaper of general circulation in this State and one newspaper published in the county where such home is to be located, for bids for the erection of such buildings, and shall award the contract to the lowest and best bidder: *Provided* the total amount of said bid for all the buildings shall not exceed $10,000; and the said commission shall also purchase all necessary furniture and equipment for said buildings, not to exceed in cost $1,500.

SEC. 3. All payments of money required under the provisions of Section 1 and Section 2 of this act shall be made by warrant on the State Treasury drawn by the State Comptroller, based on vouchers signed by the commission provided for in Section 1 and approved by the Governor.

SEC. 4. *Commitment.*—Any person within this State found to be suffering with the disease leprosy shall be isolated and removed to said State Home for Lepers, upon certificate of the county health officer of the county where such leper may be, and of the State Health Officer to the effect that such person is so suffering.

Upon the certificate of said State Health Officer and county health officer as herein provided for, the county judge of the county where such leper may be, shall issue his warrant commanding the sheriff of such county to seize such leper

and convey him to the Home for Lepers as herein provided. All necessary expenses for conveying such leper to the Home for Lepers shall be paid for by the county wherein said leper may be found.

Such person after having been conveyed to the Home for Lepers as herein provided for, shall be confined therein and cared for and treated at the expense of this State during life, unless sooner discharged on account of being cured. *Provided, however*, that any person found suffering from leprosy within this State who shall not have been a resident of this State for a period of one year, shall be returned to the State from whence he came, and the expense of such return shall be paid by the county in which such leper is found.

SEC. 5. As soon as such Home for Lepers is completed and ready for occupancy, and every two years thereafter, the Governor shall appoint a superintendent for the State Home for Lepers, who shall be a graduate of a reputable school of medicine, who shall be authorized to practice medicine within this State, and he shall receive a salary of $3,000 per annum; said superintendent shall hold office for two years after his appointment and until his successor qualifies; which superintendent shall employ such nurses, assistants and servants as shall be necessary, and shall pay for same such salaries as may be fixed by such superintendent and approved by the Governor: *Provided*, that said superintendent shall live at said State Home for Lepers and be in active management and control of said home, subject to the limitations of this act.

SEC. 6. All payments of money necessary under the provisions of Section 5 of this act shall be made by warrant on the State Treasury drawn by the Comptroller, based upon vouchers signed by the superintendent of the Home for Lepers and approved by the Governor.

SEC. 7. Any person within this State who shall knowingly harbor or conceal any leper shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than $50 and not more than $500 for every day of such concealment.

SEC. 8. *Appropriation.*—There is hereby appropriated from the general revenue of this State the sum of $40,000, or as much thereof as may be necessary, for the purpose of carrying into effect this act, and to purchase such site and erect and equip such buildings as herein provided for, and for the maintenance of such institution for the fiscal years ending August 31, 1910, and August 31, 1911.

UTAH.

[Compiled Laws—1907.]

SEC. 1098. *Duties and powers, State board of health.*—The board shall have the general supervision of the interests of the health of the citizens of the State, and shall especially study its vital statistics. It shall have general supervision of all matters pertaining to quarantine, shall have coordinate powers as a board of health with every local board, and shall have authority to make such rules and regulations, not contrary to law, as may be deemed necessary for the preservation of public health. It shall make sanitary investigations and inquiries respecting the causes of disease, especially of epidemic diseases, including those of domestic animals, the sanitary conditions and effects of localities, employments and circumstances on the public health, and it shall gather such information in respect to these matters as it may deem proper for diffusion among the people.

SEC. 1104x. *Duty of board of health.*—It shall be the duty of the State board of health and it is hereby authorized and empowered to prepare rules and regulations governing the proper disinfection and sanitation of public buildings and all railway coaches and sleeping cars operated in the State of Utah.

SEC. 1104x1. It shall be the duty of the State board of health and it is hereby authorized and empowered to prescribe a sanitary code, which shall contain and provide rules and regulations of a general nature for the improvement and amelioration of the hygienic and sanitary condition of said public buildings, railway coaches, and sleeping cars.

SEC. 1104x2. *To whom applicable—Must put rules into effect.*—Every person having control of any public building, railway company, sleeping-car company, or other corporation, company, or individual, or the receiver thereof, engaged in the carrying of passengers in this State shall, at their own expense, within a prescribed time after receiving notice from the State board of health of the promulgation of the rules and regulations in the above-mentioned sections, carry the same into effect.

SEC. 1104x3. *Penalty.*—If any person having control of any public building, or any agent, manager, operator, employee, or receiver of any railroad company, sleeping-car company, or any individual shall fail to comply with the provisions of this act and the rules and regulations promulgated by the State board of health under the provisions thereof, he shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than $50 nor more than $200.

[Acts of 1909, ch. 83.]

SEC. 4. *Duties.*—It shall be the duty of the State bacteriologist and pathologist to make all necessary investigations pertaining to public health within his department and to examine and analyze all substances submitted to him by the State board of health, its members, or officials and to make such report thereon as the said board may direct. County and municipal boards of health or individuals desiring the services, cooperation, or assistance of the State bacteriologist or pathologist are hereby directed to make application to the secretary of the State board of health for such services, cooperation, or assistance.

[Compiled Laws.]

SEC. 2036x8. *Informing as to diseases declared communicable.*—* * * He (the secretary of the state board of health) shall inform all registrars what diseases are to be considered as infectious, contagious or communicable and dangerous to the public health, as decided by the state board of health, in order that when deaths occur from such diseases, proper precautions may be taken to prevent the spreading of dangerous diseases.

[Acts of 1911, ch. 151.]

SEC. 1. *Appropriation.*—The following sums of money, or so much thereof as may be necessary, be, and the same are hereby, appropriated, out of any money in the State treasury not otherwise appropriated, for the support of the government of the State of Utah as hereinafter expressed from January 1, 1911, to December 31, 1912:

(P. 327)

To the State board of health:

* * * * * * *

For necessary laboratory expenses, or so much thereof as may be necessary $1,000.00

For contingent expenses, including rent, janitor, and expenses of special medical inspectors, or so much thereof as may be necessary: *Provided*, That no mileage shall be charged or allowed where free transportation is used 9,000.00

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(P. 331.)

To the State bacteriologist and pathologist, or so much thereof as may be necessary expenses, as provided for in chapter 83, Laws of Utah, 1909 ..... $2,500.00

(P. 333.)

For payment of one-half bounties on birds, gophers, etc., as provided for in section 143x24. Compiled Laws of Utah, 1907, or so much thereof as may be necessary 2,000.00

[Compiled Laws, 1907.]

SEC. 1113x23. *Purpose of convention.*—Said (annual) convention (of local health officers) shall be held for the purpose of disseminating knowledge as to the cause and prevention of disease, and the best method of enforcing the sanitary laws of the State, and the rules and regulations of the State board of health.

SEC. 1107. *Duties and powers, local board of health.*—Every local board of health, whether county or municipal, shall supervise all matters pertaining to the sanitary condition of its county, town, or city, and shall have power and authority to order * * * or the cause of any special disease or mortality to be abated and removed. It shall be the duty of the local boards of health and health officers to use diligence in the discovery of contagious and infectious diseases, to maintain strict quarantine, and to cause all infected persons and premises to be disinfected in accordance with the rules of the State board of health. Said disinfection shall be performed by the local health officer or a competent agent for whose actions the health officer shall be responsible in every way, as though performed by himself. In no case shall any disinfection performed by members of a quarantined household be accepted as compliance with this section. If any local health officer shall fail or refuse to properly keep records, make reports, enforce quarantine, disinfect infected persons or premises, or to perform any of the duties provided by law, he shall be deemed guilty of a misdemeanor, and upon a complaint made by the State board of health it shall be the duty of the city council, town board, or board of county commissioners by whom he was appointed to give the said local officer a hearing; and if the charges are sustained, they shall immediately remove him and appoint his successor. The term local health officer, used in this chapter, shall apply to town, city, and county health officers.

SEC. 1108. *Reports to State board.*—Every local board of health or health officer shall report to the secretary of the State board of health at such times as the State board may require the sanitary conditions of the locality, the number of births and deaths, and the causes of death as near as can be ascertained within their jurisdiction during the preceding month. It shall be the duty of the local health officer to make a monthy report to the State board of health, on or before the fifth day of each month, of all cases of scarlet fever, smallpox, diphtheria, membranous croup, typhoid fever, whooping cough, measles, chicken pox, pneumonia, and tuberculosis which have occurred within his jurisdiction during the previous month; and upon receipt of the notification of the existence of any case of either of said diseases in any family, a member of which is in attendance upon any public or private school, he must at once report the existence of such disease to the principal of the school so attended, giving the name and address of the person so affected and the nature of the disease. If no case of any of the diseases mentioned in this section has occurred during the month, the fact shall be so reported to the State board of

health in the same manner as hereinbefore provided. It shall be the duty of the local health officer to make an annual report of his actions and those of the local board of health to the State board of health.

SEC. 1113x20. *Penalty.*—Any person who violates, disobeys, omits, neglects or refuses to comply with, or resists any of the provisions of this chapter, or who refuses or neglects to obey any of the rules, orders, proclamations, or sanitary regulations of the board of health, health officer or mayor, or who omits, neglects or refuses to comply with or who resists any officers or orders or special regulations of said board of health, health officer, or mayor, shall, upon conviction, be deemed guilty of a misdemeanor.

1113x8. *Rules concerning contagious diseases to be enforced.*—The necessary rules and regulations concerning cholera, smallpox, yellow fever, diphtheria, scarlet fever, typhoid fever, whooping cough, measles, and other contagious and infectious diseases, shall be enforced by the local board of health, under the supervision of the health officer; and all public officers of the town, city or county, in their proper capacities, are hereby commanded and enjoined to assist the said board of health in the enforcement of said rules and regulations.

1113x9. *To provide against spread of contagious diseases.*—No person or thing liable to propagate any of the contagious diseases enumerated in the above section shall be brought within the limits of the State without the special permit and direction of the State Board of Health, and whenever it shall come to the knowledge of any person that such person or thing has been brought within such limits, he shall immediately give notice thereof to a member of the said board, together with the location thereof. No person shall, within the limits of the State, without a permit from the local board of health, carry or remove from one building to another any person afflicted with such contagious disease. Nor shall any person afflicted with such contagious disease, or liable to communicate or spread the contagion thereof, be shipped or removed from one town or place to another town or place, except under the charge and direction of the Board of Health, and with proper precautions against the spread of the contagion.

1113x10. *To provide against spread of contagious diseases.*—Upon satisfactory information of the approach to, or transit through the State of Utah, of infected persons or goods, from an infected locality, or persons or goods suspected of being infected, it shall be the duty of the secretary, as executvie officer of the board, to cause the same to be stopped at the State line; or, if found within the limits of the State, to cause such persons or goods to be removed from cars, stages or other conveyances, and securely isolated and disinfected. In cases coming under the jurisdiction of national or municipal quarantine authorities, he shall cooperate with said authorities in all such action.

1113x11 (as amended by ch. 75, acts of 1911). *Reports.*—It shall be the duty of every physician or other person caring for the sick in the State of Utah, to make a report to the local board of health immediately after such person becomes aware of the existence of any case of scarlet fever, diphtheria, membranous croup, whooping cough, smallpox, typhoid fever, measles, tuberculosis, Asiatic cholera, rubella (rothein), chicken pox, typhus fever, plague, cerebrospinal meningitis, infantile paralysis, leprosy, or pneumonia, in his or her charge, and it shall be the duty of every person, owner, agent, manager, principal or superintendent of any public or private institution, or dispensary, hotel, boarding house, or lodging house to make a report in like manner of any inmate, occupant, or boarder, suffering from any of the said infectious or contagious diseases; and in case such physician or other person shall fail to report in twenty-four hours, said person shall be deemed guilty of a misdemeanor.

1113x13 (as amended by ch. 75, 1911). *Quarantine rules.*—The State Board of Health is hereby authorized and empowered to make all needful rules for quarantining any person who has a contagious disease or who has been exposed to a contagious disease, or any premises which have been infected by any contagious disease, and to prescribe the period of quarantining for the various diseases. Any person who violates any of the rules of the State Board of Health made in pursuance of this section shall be guilty of a misdemeanor.

1113x14 (as amended by ch. 75, 1911). *Inspection; isolation; disinfection.*—It shall be the duty of the local board of health, without delay, upon receiving such notice as is provided for in Section 1113x11, to proceed immediately to carry out such rules and regulations as the State Board of Health may prescribe, having for their object the prevention and restriction of the disease or diseases aforementioned in Section 1113x11. It shall be the duty of the local health authorities, upon the receipt of said notice of existing or suspected disease aforesaid, to inspect or cause the house or locality to be inspected by its sanitary officers, and on discovering that such disease exists, the local health officer or local board of health may isolate and quarantine said diseased person or persons, and may also quarantine any other person or persons exposed to said disease and restrain them within their home or locality from intercourse with other persons, and prohibit ingress or egress to or from such premises whenever it is necessary for the prevention or restriction of such diseases, and any person or persons isolated or quarantined that shall wilfully escape from said isolation or quarantine before they have fully recovered or before the time provided for by the rules of the State Board of Health, or before their clothes have been disinfected by the authorities in charge, or wilfully permit clothes or other articles to be carried from the infected premises prior to disinfection, shall be guilty of a misdemeanor.

1113x15. *Exposing of infected clothing, etc.*—Any person who gives, lends, sells, transmits or exposes, without previous disinfection according to the rules of the Board of Health, any bedding, clothing, rags, or other objects which have been exposed to infection from any of the above diseases, shall, upon conviction, be deemed guilty of a misdemeanor.

1113x16. *Transporting infected person.*—Any person who knowingly has conveyed a person affected with a contagious disease, shall be deemed guilty of a misdemeanor unless he shall have immediately disinfected his conveyance in a thorough manner.

1113x17. *Letting infected houses.*—The owner or agent of any house in which a person has been suffering from any contagious disease, who shall knowingly let it or part of it for hire without having previously disinfected it and all articles therein liable to disinfection according to the rules of the Board of Health, shall be deemed guilty of a misdemeanor.

1113x24. *Disinfection.*—It shall be the duty of any person having charge of a person affected with typhoid fever to disinfect all excreta excreted by the said person during the course of the disease, in accordance with the rules of the State Board of Health, and upon failure to do so shall be deemed guilty of a misdemeanor.

1113x25. *Duty of physician.*—It shall be the duty of the physician in attendance upon all persons affected with typhoid fever to personally instruct those having charge of same to perform the disinfection described in this act and to satisfy himself that the same is properly carried out, and for failure to do so he shall be deemed guilty of a misdemeanor.

1109. *Sanitary rules and ordinances.*—It shall be the duty of the board of trustees of every incorporated town, and of the city council of every incorporated

city, and of the board of county commissioners of each county in the State, to establish by ordinance such sanitary rules and regulations as may be necessary to promote the general health, and to prevent the outbreak or spread of infectious or contagious diseases; and to provide penalties for the infraction of any such ordinances.

1110. *Quarantine.*—Any local board of health may declare quarantine in its county, city or town, or any part thereof, against a contagious or infectious disease prevailing there or elsewhere and against all persons and things likely to spread contagion or infection. Each of such boards shall have power and authority to enforce such quarantine until the same is raised by it, and may confine any person affected with or likely to spread contagion or infection, to the house or premises in which he resides, or to a place to be provided by the board for the purpose.

1111. *Contagious diseases to be reported.*—All physicians or other persons having knowledge of the existence of any contagious or infectious diseases, or having reason to believe that any such disease exists, are hereby required to report the same forthwith to the local board of health.

1112. *Duties of persons exposed.*—All physicians or nurses, or other persons having been exposed to any contagious or infectious disease are forbidden to mingle with other persons subject thereto, in the clothing worn by them while so exposed, unless the same has been thoroughly disinfected, or to otherwise expose any other person to such contagion or infection.

1113. *Penalties.*—Any person who shall wilfully or unlawfully or knowingly introduce any contagious or infectious disease into any county, city, town or village, or who neglects or refuses to comply with any of the provisions of this title, shall be deemed guilty of a misdemeanor.

4295. *Exposing public to contagion.*—Every person who wilfully exposes himself or another afflicted with any contagious or infectious disease in any public place or thoroughfare, except in his necessary removal, in a manner least dangerous to the public health, is guilty of a misdemeanor.

Sec. 2175. *Insane asylum.*—No person suffering from a contagious or infectious disease shall be considered a proper person for care and treatment at the mental hospital.

2193. *Infectious and contagious diseases.*—No patient having an infectious or contagious disease shall be admitted into the asylum.

2281. *Contagious diseases.*—In case any pestilence or contagious disease shall break out among the prisoners in the prison, or in the vicinity of the prison, the board may cause the convicts therein to be removed to some suitable place of security, where such of them as may be sick shall receive all necessary care and medical attendance, and such convicts shall be returned as soon as it may be safe to do so, to the prison and be there confined according to the respective sentences, if the time be unexpired.

1113x28. *Location of pest houses.*—That no city, county or municipal corporation, or public or private corporation or person or association of persons shall, after the first day of July, 1903, use, operate, maintain, or cause to be used, operated or maintained, any house, building or premises for any pest house, asylum or hospital, used as a place of detention in which to keep or confine persons having or suspected of having any contagious or infectious disease, within twenty rods of any public road, or within one-fourth mile of any canal, ditch, aqueduct or flume, conveying a stream of running water only, and uncovered along the surface of the ground where the waters of such canal, ditch, aqueduct or flume are conveyed into or used by the inhabitants of any city, town or village, for culinary, household or other domestic purposes.

Penalty.—Any person, association of persons, or corporation, violating any of the provisions of this act shall be deemed guilty of a misdemeanor.

4278 (amended by ch. 111, acts of 1909). *Maintaining a pest house, etc., at or near a city or town.*—Every person who establishes or keeps, or causes to be established or kept, within the limits of any city, town or village, any pest house, hospital or place for persons affected with smallpox is guilty of a misdemeanor.

[Acts of 1911, ch. 90.]

SECTION 1. *Physicians and superintendents of hospitals to report venereal disease.*—It shall be the duty of every physician in this State, every superintendent or manager of a hospital or public institution in this State, to immediately report to the local Board of Health every case of venereal disease which he is called upon to treat or which is in such hospital or public institution, and each and every physician, superintendent or manager of such hospital or institution shall make such reports as may be called for by the rules and regulations of the State Board of Health of this State, and must comply with all the rules and regulations made by said Board to prevent the spread of venereal diseases. Provided, that the report of such venereal disease shall not include the name of the person afflicted.

SEC. 2. *Rules and regulations.*—It shall be the duty of all Boards of Health to enact and enforce rules and regulations necessary to prevent the spread of venereal diseases.

SEC. 3. *Penalty.*—Any person violating any of the provisions of this Act shall be guilty of a misdemeanor.

[Compiled Laws, 1907.]

SEC. 206 (as amended by ch. 120, acts of 1911). *Powers, cities.*—The city council shall have the following powers:

64. *Health and quarantine.*—To make regulations to secure the general health of the city, to prevent the introduction of contagious, infectious, or malignant diseases into the city, and to make quarantine laws and enforce the same within the corporate limits, and within 12 miles thereof. To create a board of health and prescribe the powers and duties of the same.

SEC. 302 (as amended by ch. 123, acts of 1911). *Powers, towns.*—The board of trustees in each town shall have the following powers, to wit:

2. To make regulations to secure the general health of the town. To prevent the introduction of contagious, infectious, or malignant diseases therein, and to make quarantine laws and enforce the same within the corporate limits and within one mile thereof; to prevent, abate, and remove nuisances, and to adopt such other measures for the preservation of the public health as it may deem proper.

SEC. 511 (as amended by ch. 119, acts of 1911). *Powers, counties.*—The board of county commissioners in each county has jurisdiction and power, under such limitations and restrictions as are prescribed by law:

12. To provide for the destruction of gophers, or squirrels, or other wild animals, birds, noxious weeds, and insects, injurious to fruit, fruit trees, vines, vegetables, or plant life.

13. To provide for the prevention of injuries to cattle or sheep by dogs, and to tax dogs, and direct the application of the tax.

16. To provide for the inspection, measurement, or graduation of any merchandise, manufacture, or commodity, and to appoint the necessary officers therefor.

19. To make and enforce within the limits of the county, outside the limits of incorporated cities and towns, all such local, police, sanitary, and other regulations as are not in conflict with general laws.

39. *Health regulations.*—To adopt such provisions for the preservation of health in the county or in any precinct or district therein, or any portion thereof (except municipal corporations), as the board may deem necessary, and to provide for paying the expenses thereof.

* * * * * * *

The board of health shall have general supervision of all the matters pertaining to the sanitary conditions of the county. It shall have power, in time of epidemic, to locate and establish pesthouses, and to do and perform such other acts as the health of the people of the district may require. All expenses necessarily incurred in the carrying out of the provisions of this section must be provided for by the board of county commissioners.

43. * * * Also to regulate or prohibit the bringing into or leaving within the county of persons afflicted with, or who have but recently been exposed to, any contagious disease.

40. * * * It is hereby made the duty of the board to provide such care, maintenance, and relief for the indigent sick and dependent poor whether found within or without the corporate limits of such incorporated cities or towns, and if found within corporate limits of such incorporated cities or towns, to observe, in caring for them, all such quarantine rules and regulations as may be therein prescribed; and in its discretion to erect, officer, and maintain such hospitals, poorhouses, or other institutions as may be necessary to provide for the same; and for such purposes to levy the necessary property tax, or poll, or both: *Provided*, That the board shall appoint (not let to the lowest bidder) some suitable person or persons to take care of and maintain such hospitals, poorhouses, or other institutions: *And provided further*, That the board shall also appoint (not let to the lowest bidder) some suitable graduate in medicine to be known as the county physician and in counties of the first class said board may also appoint another suitable graduate in medicine to be known as the assistant county physician, whose duty it shall be to attend and prescribe for all such indigent sick and dependent poor; and in cases where indigents are sick with a contagious disease and are found within incorporated cities or towns, to observe in caring for them such quarantine rules and regulations as may be therein prescribed; (and said board may also appoint one female office assistant to said county physician): *Provided further*, That in all cases where an indigent person, sick with a contagious disease, is quarantined by any health officer of any city or town, and in all cases where a person sick with a contagious disease, within the limits of an incorporated city or town, is quarantined by any city or town health officer and rendered dependent by reason of such quarantine, then in that case the board of county commissioners shall only be responsible for the care and maintenance of such person or persons, from and after the date when they shall be notified of the establishment of such quarantine by such city or town health officers: *And provided further*, That from the time of the receipt of such notice of the quarantine of any such indigent sick or dependent person, the board of county commissioners shall have the exclusive care and control of the maintenance and support of such person and the expenditure of money therefor.

VERMONT.

(Code of 1906.)

SEC. 5413. *General duties, State board of health.*—Said board shall take cognizance of the interests of the life and health of the inhabitants of the State; shall make or cause to be made sanitary investigations and inquiries respecting causes of disease, especially of epidermics, and the means of preventing the same, the sources of mortality and sickness, and the effect of localities, employments, habits, and circumstances of life on the public health; and, when requested, or when, in their opinion, it is necessary, shall advise with municipal officers in regard to drainage, water supply, and sewerage of towns and villages, and in regard to the erection, construction, heating, ventilation, and sanitary arrangements of public buildings; and said board may compel the owners of such buildings to provide them with the necessary appliances and fire escapes for preventing accidents to persons who may be in such buildings; and said board shall exercise the powers and authority imposed by law upon said board.

SEC. 5415. *Protection of public health—Quarantine.*—Said board may perform such services and make such expenditures as it deems necessary for the protection of the public health; may cooperate with boards of health of other States and countries; and a committee of said board may attend meetings of health authorities outside the State. Said board may, in case of the prevalence of epidemics or contagious diseases, quarantine towns, close highways, and prohibit railway trains from stopping at quarantined places, and may establish such quarantine regulations against other States and countries as will prevent the introduction of contagious and infectious diseases therefrom into this State.

SEC. 5419. *Prevention of contagious and epidemic diseases.*—Said board may promulgate and enforce rules and regulations relative to the preservation of the public health in contagious and epidemic diseases, and the causes, development, spread, and prevention of disease. Said board shall prepare and distribute to local boards of health, physicians, and other persons such printed circulars as it deems necessary and such rules and regulations as said board may promulgate as aforesaid; and upon request of said board, the secretary thereof shall give information relative to the cause and prevention of disease and directions as to modes of management, quarantine, and means of prevention of contagious and infectious diseases.

SEC. 5420. *Failure to comply with regulations of board—Penalty.*—A person who fails to comply with a rule or regulation of said board, after being notified in writing by the secretary of the State or local board of health, shall be fined not more than $100 nor less than $10, with costs of prosecution.

SEC. 5421. *Neglect to comply with written orders—Damages—Penalty.*—A person or corporation which willfully neglects or refuses to comply with a written order of the State board of health issued under the provisions of this chapter, and for the violation of which no penalty is provided, shall be fined not more than $400 nor less than $25, and be liable for all damages or injuries to a person resulting from such neglect. Justices shall have concurrent jurisdiction with county courts to the extent of fining the respondent $25.

SEC. 5422. *Duties of the secretary.*—The secretary * * * shall, in case of epidemics, contagious diseases, or other unusual sickness, at the request of a health officer or local board of health, render such assistance as he deems necessary. He shall, from the reports required by law to be made to him, issue biennial registration reports, and shall biennially, in the month of April, make report to the governor of the investigations, discoveries, and recommendations of said board and all important facts in regard to the causes and prevalence of

infectious diseases. He shall furnish health officers suitable blanks upon which to make reports of infectious and contagious diseases, also blanks for physicians to report to health officers, shall include therein questions necessary to give the information desired, and may require special information of a health officer not provided for in such blanks.

SEC. 5423. *Supervision—Equipment—Health officers' school.*—The State board of health shall have the supervision and management of, and equip with the proper and necessary apparatus, instruments, and supplies, the laboratory of hygiene, for the chemical and bacteriological examination of water supplies, milk and food products, and the examination of cases and suspected cases of diphtheria, typhoid fever, tuberculosis, malaria, and other infectious and contagious diseases. Said board may conduct a school of instruction for health officers at such times and places as it shall direct. It may issue a periodical giving the results of the work done at the laboratory and the approved methods for the protection of the public health, and such publication shall be furnished free to health officers.

SEC 5425. *Free use—Investigations for State's attorneys—Expert testimony.*—The use of the laboratory, and all investigations mentioned in this chapter therein made, shall be free to the people of this State. * * *

SEC. 5436 (as amended by act 217, 1910). *General duties local health officer.*—Said health officer shall make sanitary inspections whenever and wherever he has reason to suspect that anything exists which may be detrimental to the public health. He may enter any house or other building for the purpose of making such inspection. He shall in writing order the destruction, prevention, and removal within a specified time of nuisances, sources of filth, or causes of sickness, as directed by the rules and regulations of the State board of health; and may, under the orders of the State board of health, order churches and schools to be closed in times of epidemic or in the face of serious sickness which, in his judgment, may require the same; and may forbid and prevent the assembling of people in a place when the public health and safety demand.

SEC. 5439. *Abatement of nuisances—Prevention of contagious diseases—Isolation hospitals.*—A local board of health shall have power and authority to * * * remove sources of filth and * * * causes of sickness. Said board may guard against the introduction of contagious or infectious diseases by the exercise of proper and vigilant medical inspection and control of all persons and things arising in its town. Said board may take smallpox patients to isolation hospitals at the expense of its town, when, in its opinion, such patients are not properly quarantined or cared for. Towns may combine to build, equip, and maintain isolation hospitals.

SEC. 5440 (as amended by act 217, 1910). *Isolation of persons infected with or exposed to contagious diseases—Medical treatment.*—The local health officer may require, under the rules and regulations of the State board of health, the isolation of persons and things infected with or exposed to contagious or infectious diseases, and may with the approval of the local board of health provide suitable places for the reception of the same, and, if necessary, furnish medical treatment and care for such sick persons at their expense if of sufficient ability to pay, otherwise at the expense of the town or city. Said health officer may prohibit and prevent intercourse and communication with, or use of infected premises, places, or things, and require and, if necessary, provide means, at the expense of the town or city for which he acts, for the thorough purification, disinfection, and cleansing of the said infected places or things before free intercourse therewith or use thereof shall be allowed.

SEC. 5441. *Hindering health officers and removal of notices—Penalty.*—A person who attempts to hinder the work of a health officer or local board of health,

or who removes, defaces, or obscures a placard or notice posted upon an infected building, or who violates quarantine regulations, shall be imprisoned not more than 30 days or fined not more than $50, or both.

SEC. 5442 (as amended by act 217, 1910). *Assistance by constables, etc.—Penalty for neglect to render.*—Said local board or health officer may call upon sheriffs, constables, and police officers to assist them in the discharge of their perspective duties. An officer who neglects or refuses to render such assistance shall be fined not more than $200 and costs of prosecution.

SEC. 5444. *Expenditures in time of pestilence—Penalty for neglect of duty by local board of health.*—Said board shall, under the direction of the State board of health, in case of impending pestilence, make such expenditures, take such measures and do and cause to be done such acts as are necessary for the preservation of the public health. A health officer or member of a local board of health who refuses or neglects to perform the duties imposed upon him by this chapter shall be fined not more than one hundred dollars nor less than five dollars, with costs of prosecution.

SEC. 5445. *Expense of medical treatment—Recovery.*—The expense incurred in the medical treatment and care of a sick person under this chapter, by the local board of health or the health officer, may be recovered of a town in which said person has a legal residence, in the same form of action as though furnished by the overseer of the poor of the town furnishing such aid.

SEC. 5446. *Appointment—Duties.*—The State board of health shall have power to designate a health officer of a town adjoining an unorganized town or gore, as the health officer of such unorganized town or gore; and said health officer shall report to the secretary of said board every case of contagious disease mentioned in this chapter of which he has information or knowledge as existing in such unorganized town or gore, and shall, in such unorganized town or gore, do and perform all acts required of the health officer of a town the same as if he were the health officer of such unorganized town or gore; and upon receiving such information from said health officer said board shall do and perform all acts in relation to such cases the same as if such information came from the health officer of a town.

SEC. 5447. *Report of communicable disease to health officer.*—The head of a family in such unorganized town or gore in whose home there occurs a case of infectious or contagious disease dangerous to the public health shall immediately give notice to said health officer. A physician who knows or suspects that a person in such unorganized town or gore whom he has been called to attend is sick or has died of a communicable disease dangerous to the public health, shall at once quarantine and report to said health officer the place where such cause exists, the name, degree of virulence, and cause or source of the disease, and such other facts relating thereto as may be necessary for the health officer to make examination and act in the premises. The head of a family or a physician who fails to give reasonable notice to said health officer of the existence of such a disease shall be fined not more than $50 nor less than $10, with costs of prosecution.

SEC. 5452. *Entering town when infected; taking or communicating infectious diseases; penalty.*—A person who, knowing himself to be infected with smallpox or other infectious or contagious disease dangerous to the public health, comes into a town in this state from another town within or without the state, without previously obtaining consent of the health officer in the town which he enters or a person who knowingly and voluntarily communicates or receives the infection of smallpox or other infectious or contagious disease without the consent or approbation of the local board of health, shall be fined not more than two hundred dollars.

SEC. 5453. *Report of cases, etc.; vaccination.*—Each health officer shall report to the secretary of the state board of health, immediately after receiving information or knowledge thereof, every case of smallpox, varioloid, Asiatic cholera, typhus fever or yellow fever within the jurisdiction of such local board, and provide a suitable supply of vaccine virus when deemed necessary by the state board of health, and of a quality and from a source approved by it, and, during the existence of smallpox in a town, provide thorough and safe vaccination for all persons in such town who may need the same.

SEC. 5454. *Report of contagious or infectious diseases to health officer; quarantine; penalty.*—The head of a family in whose home there occurs a case of infectious or contagious disease dangerous to the public health shall immediately give notice thereof to the local health officer of the town in which he lives. A physician who knows or suspects that a person whom he has been called to attend is sick or has died of a communicable disease dangerous to the public health shall immediately quarantine and report to the health officer the place where such case exists, and the name, degree of virulence and cause or source of the disease, and such other facts relating thereto as may be necessary for the health officer to make examination and act in the premises; provided that if the attending physician, at the time of his first visit, is unable to make a specific diagnosis, he may quarantine the premises temporarily and until a specific diagnosis is made, and post thereon a card upon which the word "quarantine" shall be plainly written or printed. Such quarantine shall continue in force until the health officer examines and quarantines as is provided in this chapter. A head of a family or a physician who fails to give reasonable notice to the health officer of the existence of such disease shall be fined not more than fifty dollars nor less than ten dollars, with costs of prosecution.

SEC. 5455 (as amended by act No. 207, 1911). *Same; duties of health officer.*—A health officer shall, upon receiving notice of a case of infectious or contagious disease dangerous to the public health, investigate and ascertain if possible the source or cause of the disease, institute means of prevention or restriction, and immediately report the facts to the secretary of the state board of health. When a communicable disease prevails or becomes epidemic, said health officer shall make weekly reports concerning such disease to the secretary of the state board of health, and shall annually, in the month of January, report to said secretary the sanitary condition and the public health in detail of his town or city.

SEC. 5456 (as amended by act No. 215, 1913). *Fees of health officers.*—For each report of a contagious disease, said health officer shall receive from the town for which he acts, fifteen cents; for each biennial report, one dollar; and for sanitary inspection, placarding, quarantining and disinfection of infected buildings and premises, the same as for ordinary professional services, unless he is employed for a stipulated salary. When called by the state board of health to attend a meeting of said board, he shall receive from the state his expenses and the same per diem as members of the state board.

[Act No. 217, 1910–11.]

SEC. 5. *Destruction, infected articles; expense.*—Said health officer shall not order * * * the destruction of things infected with or exposed to contagious disease and shall not incur expense to the town or city in the furnishing of medical treatment and care for sick persons except with the consent and approval of the selectmen of such town or the aldermen of such city; but nothing in this section shall be construed to prevent the health officer from instituting quarantine and maintaining the same in any case of contagious or infectious disease.

[Act No. 72, 1910–11.]

SECTION 1. If at any time a town has not maintained a legal school or schools the number of weeks required by law to constitute a legal school, by reason of a school or schools having been closed by the health officer on account of a contagious disease, it shall not be denied its share of public school money.

[Act No. 218, 1913.]

SECTION 1. *Reports, venereal diseases.*—Commencing on the date of the passage of this act the superintendent or other officer in charge of public institutions such hospitals, dispensaries, clinics, homes, asylums, charitable and correctional institutions, shall report promptly to the State board of health the name, sex, age, nationality, race, marital state, and address of every charitable patient under observation suffering from venereal diseases in any form, stating the name, character, stage, and duration of the infection, and, if obtainable, the date and source of contracting the same.

SEC. 2. Physicians shall furnish similar information concerning private patients under their care, except that the name and address of the patient shall not be reported.

SEC. 3. All information and reports in connection with persons suffering from such diseases shall be regarded as absolutely confidential, and shall not be accessible by the public nor shall such records be deemed public records.

SEC. 4. *Diagnosis and treatment.*—The State board of health shall provide, at the expense of the State, facilities for the free bacteriological examination of discharges for the diagnosis of gonorrheal infections, and also shall provide, at cost, vaccines or antitoxins for the treatment of such infections. And said board shall make, at the expense of the State, the Wasserman test or examine smears for the diagnosis of syphilis; and shall furnish the treatment known as "Salvarsan" or other accredited specific treatment at cost. But such diagnosis and treatment shall not be furnished until the data required for the registration of the case has been furnished by the physician or institution treating the patient.

SEC. 5. *Literature.*—The State board of health shall include in bulletins or circulars distributed by it information concerning the diseases covered by this act.

[Act No. 158, 1908.]

SEC. 1. *Free distribution diphtheria antitoxin.*—The state board of health is hereby authorized to purchase antitoxin for the treatment of diphtheria, and to distribute the same free of charge, upon application therefor by physicians in regular standing, under such rules and regulations as said board may prescribe; and the expense thereof shall be paid by an order drawn by the auditor of accounts, upon vouchers duly approved by said board.

A person selling or disposing of any antitoxin purchased or distributed under the provisions of this act for personal gain shall be fined not more than fifty dollars or not less than ten dollars. Justices of the peace and municipal courts shall have concurrent jurisdiction of offenses under this act.

VIRGINIA.

[Pollard's Code, 1904.]

SEC. 1713d (as amended by chapter 361, acts of 1908.) * * * (2) *State health commissioner.*—The governor shall appoint a health commissioner, who shall be versed in bacteriology and sanitary science. * * * It shall be his

duty to institute, and, together with his assistants, to carry out such a course of lectures and demonstrations as he may deem advisable in various sections of the State, and in the State educational institutions, to the end that the medical profession and the people of the Commonwealth may be instructed in matters of hygiene and sanitation. * * *

(4) *Laboratory—Sanatoria, etc.*— * * * The State board of health shall establish and maintain in the city of Richmond suitable laboratories for the examination of clinical material submitted by members of the medical profession of the State, and such examination shall be made free of charge, and said board shall also make research and studies of infectious diseases, of epidemics, and of methods of preventing and of curing diseases. They shall forthwith make inquiry into the altitude, moisture, and other climatic conditions in various parts of the State, with a view to determining the most suitable location therein for the treatment of tuberculosis and the establishment of tuberculosis sanitariums, and shall investigate the best methods of treatment, with a view to preventing and curing such disease.

It shall be the duty of the State board of health, as soon as practicable, to begin the erection and maintenance of temporary or permanent buildings or camps for the treatment of tuberculosis in such localities as are proper, and at such sanitariums they shall provide for the treatment by the most advanced methods of the tuberculosis patients in the State at a minimum expense to the patient.

For the purpose of providing for the execution of the provisions of this act, and to meet the expenses herein provided for in the way of salaries, per diem compensation, mileage allowance, office and laboratory expenses, and the establishment of laboratories and sanitariums, an appropriation of $40,000 per year is hereby set apart out of any moneys in the treasury not otherwise appropriated, which shall be paid out upon the warrants of the health commissioner, approved by the president of the State board of health.

(9) *State board to employ experts—Have examinations made.*—The State board of health from time to time may employ competent persons to render sanitary service and make or supervise practical and scientific examinations and investigations requiring expert skill, and prepare plans and reports relative thereto. The State board, on the request of any physician, shall have examinations made of pathological specimens of any suspected infectious or contagious disease that may be prevailing.

(10) Upon satisfactory information of the approach to, or transit through the Commonwealth of Virginia, of infected persons, goods, or animals it shall be the duty of the secretary of the state board, as executive officer of said board to cause the same to be stopped at the state line, or, if found within the limits of the state, to cause such persons, goods, or animals to be removed from the cars, stages, vessels, boats, or conveyances, and securely isolated and disinfected, except that he shall have no right to act under the jurisdiction of municipal health authorities or of the state quarantine board, unless, in his judgment, such authorities or the state quarantine board have failed, or are neglecting to take proper steps for the protection of the public health; but any action he may take in the matter shall be subject to the supervision and control of the state board of health.

(13) *Duty of infected persons.—Penalties.*—It shall be unlawful for any person who knows himself to be infected with any dangerous, contagious, or infectious disease, or who has recently had such disease, and has not cleansed his person and clothes so as to be free from the infection—

First. To go into the company of anyone who is liable to take the infection without warning such person of his being so infected.

Second. To go into any church or other house used for public worship or for school purposes, or to go into any mine, mill, factory, shop, store, warehouse, depot, train, ship, hotel, restaurant, or dwelling belonging to any other person, or to go into any courthouse, jail, asylum, or almshouse, or to go into any like house, place or building.

Third. That it shall be unlawful for any person who has been voluntarily exposed to small-pox or any other dangerous, contagious, or infectious disease to come into this State, or go from place to place therein, within a period of fifteen days from such exposure, unless such person shall have a certificate from a competent and reputable practicing physician stating that no danger of communication of disease by such exposed person exists.

Upon conviction of the person so offending he shall be punished as follows: For violation of the first sub-division of this section he shall be fined not less than ten and not more than fifty dollars; for the violation of the second sub-division thereof he shall be fined not less than twenty-five dollars and not more than two hundred dollars, or by imprisonment in the county jail not exceeding six months, or both; for the violation of the third sub-division thereof he shall be fined not less than twenty-five dollars nor more than one hundred dollars, or confinement in the jail not more than six months.

When the state board of health or the county or city boards of health have established quarantine lines or ordered compulsory vaccination in any infected boundary, it shall be unlawful for any person to violate either of said regulations, or to aid or encourage another to violate either, and upon conviction thereof he shall be fined not exceeding one hundred dollars and confined in the county jail not exceeding six months.

* * * Provided this act shall not apply to practicing physicians or undertakers when in the discharge of the duties of their respective professions or callings.

[Acts of 1910, ch. 179.]

SECTION 1. *Regulations.*—The State board of health shall have the power to make, adopt, promulgate, and enforce reasonable rules and regulations from time to time requiring and providing for the thorough sanitation and disinfection of all passenger cars, sleeping cars, steamboats, and other vehicles of transportation in this State, and also of all convict camps, penitentiaries, jails, hotels, schools and other places used by or open to the public; to provide for the care, segregation, and isolation of persons having, or suspected of having, any communicable, contagious, or infectious disease; to regulate the method of disposition of garbage or sewerage and any like refuse matter in or near any incorporated town, or city, or unincorporated town or village of this State; to provide for the thorough investigation and study of the causes of all diseases, epidemics and otherwise, in this State, and the means for the prevention of contagious disease, and the publication and distribution of such information as may contribute to the preservation of the public health, and the prevention of disease; to make separate orders and rules to meet any emergency, not provided for by general rules and regulations, for the purpose of suppressing * * * communicable, contagious, and infectious diseases and other dangers to the public life and health: *Provided, however,* That nothing herein contained shall be construed as in any wise preventing or restricting any person so segregated or isolated from choosing his own method of treatment, or in any wise limiting any diseased person in his right to choose or select whatever method or mode of treatment he may believe to be the most efficacious in the cure of his ailment: *Provided, however,* That nothing herein contained shall be construed as in any wise limiting any duty, power, or powers now possessed by or heretofore granted

to the said State board of health by the statutes of this State, or as affecting, modifying, or repealing any rule or regulation heretofore adopted by said board.

2. *Penalty.*—Any person who shall violate, disobey, refuse, omit, or neglect to comply with any rule of said State board of health, made by it in pursuance of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished in the manner provided by law: *Provided, however,* That nothing herein contained shall apply to any railroad, or sleeping-car company, whose system of sanitation and disinfection of its cars is approved by the State board of health.

[Acts of 1910, ch. 307.]

1. *Physicians to report communicable disease.*—Every physician practicing in this Commonwealth, who shall know or suspect that any person whom he or she is called upon to visit, or who comes to him or her for examination or treatment, is suffering from any infectious, contagious, communicable or dangerous disease shall make report in writing, on blanks to be furnished for that purpose by the State board of health, to the executive officer of the board of health of the county, town or city in which such person may be located, over his or her own signature, stating the name of the disease, and the name, color, sex and age of the person suffering therefrom, together with the street and number or such other sufficient designation of the house, room or other place in which said person may be located, and such other information as may be deemed necessary by said health authorities.

2. *List of communicable diseases.*—The State board of health is hereby authorized to prepare and promulgate from time to time, a list of diseases considered as infectious, contagious, communicable or dangerous within the meaning of this act, and to prescribe the manner and time of the report called for by the preceding section.

3. *Penalty.*—For failure to comply with the provisions of this act the physician so failing shall be fined not less than one nor more than five dollars for each offense.

4. This act shall not apply to cities having their own health department, to which the reports above referred to are made, and which are required by law to report to the State board of health.

[Pollard's Code, sec. 1713d.]

(5) (as amended by ch. 340, acts of 1910). *County and city boards of health.*—* * * Such local boards of health shall have charge of the sanitary affairs of the respective cities, counties, or towns for which they are appointed, and shall, subject to the provisions of this act, have control of the prevention and eradication of contagious and infectious diseases, the removal and quarantine of suspects; may provide for compulsory vaccination, the prevention, restriction, and care of smallpox and other contagious or infectious diseases.

They shall likewise have power to adopt and enforce such reasonable rules and regulations as they may deem necessary to attain these ends; but such rules and regulations shall be published once a week for two successive weeks in some newspaper published in such county, or, if there be none, such rules and regulations shall be posted for two weeks at the county courthouse and in three different places in each magisterial district of such county: *Provided, however,* That in cases of epidemics, rules and regulations for suppressing the same shall immediately become effective.

It shall be unlawful for any person to violate any rules or regulations which may have been promulgated by any duly constituted board of health, and, upon

conviction of the person so offending, he shall be punished by a fine of not less than $10 nor more than $50 for the first offense, and not less than $25 nor more than $100 for each subsequent offense.

(7) (as amended by ch. 340, 1910). *Duties of local authorities—When State board may take charge.*—It shall be the duty of the local authorities of the cities, towns, and counties of the State to report weekly to the State board of health all cases of infectious, contagious, communicable, or dangerous diseases which have occurred under their jurisdiction, except that it shall be their duty to report immediately any case or cases of smallpox, yellow fever, cholera, typhus fever, or bubonic plague, that may occur within their jurisdictions. If any case or cases of infectious, contagious, communicable, or dangerous diseases be reported as existing in any locality in the State, the State board of health shall, as soon as possible, investigate said disease. It shall then confer with the local health authorities and make such suggestions as it may deem proper. If these suggestions are not carried out, and the disease is, in the judgment of the State board of health, in danger of spreading to another city, town, or county, the said State board of health, or its executive officer, subject to the action of said board, shall have the right to assume exclusive control of the disease, the isolation thereof, and the quarantine of suspects, and have such powers in connection therewith as are conferred by law on the local health authorities, and the said executive officer may make and enforce such regulations as he may deem proper, subject to the action of said board, to stamp out or prevent the further spread of the disease.

He may also, subject to the action of said board, appoint such officers and agents as he may deem necessary to accomplish such, and fix their duties and compensation.

The officers and agents so appointed shall be duly sworn, and shall have the power to make arrests and to exercise all the other powers of police and constables. All the powers herein conferred upon the secretary shall be exercised by him in subordination to and subject to the action of the State board itself, which is hereby invested with full power in the premises to make such regulations and take such action as may in his judgment be necessary to regulate, control, and eradicate all such contagious diseases.

(8) *Duties and compensation of local secretary.*—The secretary of such local board of health * * * shall have power to enter and inspect both public and private premises where he has reason to suppose * * * any contagious or infectious disease exists, when the protection of public health demands it. * * *

SEC. 1724. *Duties of the State board of health and of justices when smallpox, etc., is suspected.*—If any member of the state board of health, or a justice of any county, shall have complaint on oath made to him, or if he shall have reason to think that there is on any lot, tenement, or plantation, or on board any vessel in said county, any person infected with smallpox or other dangerous disease, it shall be the duty of said member of the board of health or of said justice to issue a mandate in writing, addressed to two physicians of said county, requiring them to go to the place so suspected and to examine the persons diseased, if any, and to report in writing their opinion of such disease, and whether the public's interest require any action.

If it appear to said board of health, or said justice, from said report, that such person or persons are infected with smallpox or other dangerous disease, then said board of health or justice, whichever has first taken cognizance of the case, shall prescribe such rules and regulations as may be deemed necessary to prevent the spread of such disease; but the action of said justice shall be subject to the review of the local board of health, and for this purpose said

board of health or justice may establish a quarantine at the place or places where such disease exists and inhibit any ingress or egress to or from the same. They may by proper orders prevent any railroad train, steamboat, or other conveyance, from taking on or putting off passengers or freight at any point or points in or near the infected district. For the services required of the physicians under this action, a reasonable allowance shall be made to them by the board of supervisors at the next county levy thereafter.

SEC. 1725. *Removal of persons infected to hospital.*—The council or health officer of a city or town, or any two justices of a county, or the state board of health, may cause any person in said city, town or county infected with any contagious or infectious disease dangerous to the public health to be removed to a hospital or other place for the reception of the infected, unless such person be sick in his own place of residence, or can not be moved without danger to his life.

SEC. 1726. *Provisions to prevent spread of smallpox.*—If any person who has not had the smallpox, or cowpox, go into a house in which any one is infected with the smallpox, and return thence, a justice may order him to remain in his own place of residence, or in such place as may be selected by him with the approval of the justice; or, if none such be so selected and approved, in such place as the justice may select, subject to such regulations to prevent the spread of the disease as the justice may prescribe, until some physician shall certify that the further enforcement of the order may be safely dispensed with; whereupon it shall be revoked. If such person violate the order or regulations aforesaid, any justice may, by warrant, cause him to be arrested and carried to the nearest hospital for the reception of persons infected with the smallpox, there to remain until discharged on the certificate of the physician of the hospital that he may depart without danger of spreading the contagion.

SEC. 3814. *Inoculating for the smallpox, or bringing the disease into the State; how punished.*—If any person inoculate himself or another, or suffer himself to be inoculated for the smallpox, unless at a hospital established by law, he shall be fined not exceeding three hundred dollars; and if any person bring into this State the smallpox, or any variolous matter thereof, with the intent of propagating such disease, he shall be confined in the penitentiary not less than one nor more than five years.

SEC. 1727. *Penalty on infected person going about.*—If any person who knows himself to be infected with a dangerous, contagious or infectious disease, or who has recently had such disease, and has not had his person and clothes so cleansed as to be free from the infection, go into the company of any one who is liable to take the infection, or fail to retire from a public road or street on the approach of a passenger, without warning such passenger of his being so infected, he shall be fined ten dollars for each offense. Such penalty shall be paid, if the offender be a married woman, by her husband; if an infant, by his parent or guardian.

SEC. 1729. *Payment of expenses of removing infected persons and things.*—All expenses incurred for the removal of any person infected with a dangerous disease, and for maintaining, nursing and curing him, or incurred in entering any lot, house, or vessel, suspected of having a person or things infected with a dangerous, contagious or infectious disease therein, and of removing him to a hospital or other place of reception therefor, shall be paid by such infected person, or by the owner of such lot, house, or vessel, as the case may be; or if such person or owner be a married woman, by her husband; if an infant, by his parent or guardian. But if they be not so paid, they shall be chargeable to the city, town, or county in which they were incurred.

SEC. 1734. *Cities and towns may establish quarantine grounds.*—The council of any city or town may establish a quarantine ground for such city or town, and the councils of any two or more cities or towns may establish a quarantine ground for their common use; but if the place fixed on for such quarantine ground be without the limits of a city or town, the assent of the board of supervisors of the county to its use shall first be obtained.

SEC. 1735. *Quarantine regulations for vessels.*—The council of any such city or town may, from time to time, prescribe the quarantine to be performed by all vessels arriving within the harbor or vicinity of such city or town and regulations therefor, not contrary to law.

SEC. 1736. *To whom and what quarantine regulations extend; penalty for violation.*—Such regulations may extend to all persons, goods, and effects arriving in such vessels, and to all persons who go on board of the same. If any person violate such regulations, after notice thereof shall have been given by publishing the same in some newspaper printed in the city or town, or where there is none such, by posting it in some public place therein, he shall be fined not less than five nor more than five hundred dollars.

SEC. 1737. *Vessels and cargo, if infected, to be put in quarantine.*—The health officer in such city or town may cause any vessel arriving in its port or vicinity, if the vessel or its cargo be, in his opinion, so foul or infected as to endanger the public health, to be removed to the quarantine ground, or other proper place, and to be purified, and cause all persons arriving in or going on board of such vessel, or handling such cargo, to be removed to a hospital.

SEC. 1738. *Penalty on master of vessel, &c. refusing to answer inquiries.*—If any master, seaman, or passenger, belonging to a vessel supposed to have any infection on board, or from a port where any dangerous, contagious or infectious disease prevails, refuse to answer on oath such inquiries as may be made by any health officer or other authorized person, relating to such infection or disease, he shall forfeit not less than one hundred nor more than five hundred dollars.

SEC. 1739. *Masters to deliver bills of health, &c.*—The master of a vessel ordered to perform quarantine shall deliver to the officer appointed to see it performed, his bills of health and manifests, and his log book and journal. If he fail to do so, or to repair in proper time, after notice, to the quarantine ground, or depart thence without authority to do so, he shall be fined not exceeding five hundred dollars.

SEC. 1740. *Arrest of persons escaping from quarantine.*—If any person ordered to perform quarantine escape, a justice, on complaint thereof under oath, may issue his warrant to a sheriff, sergeant, or constable, commanding him to arrest such fugitive and deliver him to the custody of the officers of quarantine. Any such person attempting to escape may be forcibly detained at the place of quarantine by such officers.

SEC. 1741. *Quarantine of travelers by land.*—Any person coming into a city or town by land, from a place infected with a dangerous, contagious or infectious disease, may be compelled by the health officer to perform quarantine, and be restrained from traveling until discharged. Any such person who shall, before he is discharged, travel in this State, unless it be to return by the most direct route to the State from which he came, shall be fined one hundred dollars.

SEC. 1742. *Payment of expenses of quarantine.*—All expenses incurred by any city or town on account of any person, vessel, or goods, under quarantine regulations, shall be paid or reimbursed to it by such person, or the owner of such vessel or goods, respectively, and the said city or town may detain any such vessel or goods until such expenses are paid.

SEC. 1743b. *Quarantine officer at Newport News; his duties.*—1. The Governor of Virginia is hereby authorized to establish quarantine at the port of Newport News, and to appoint a quarantine officer, and to regulate his fees; to make such health arrangements and sanitary regulations at the port of Newport News as in his judgment may be necessary to prevent the introduction and spread of any infectious or contagious disease.

2. The quarantine officer to be appointed under this act shall be a practicing physician, having his residence in the city of Newport News. His term of office shall be two years, the first term to begin on the first day of May, one thousand eight hundred and ninety-seven, and he shall be appointed during the month of March prior to the succeeding term.

3. Said quarantine officer shall be subject to removal for cause, and any vacancy in said office shall be filled for the unexpired term by appointment made by governor.

4. The said quarantine officer shall appoint an assistant, who shall be a practicing physician and a resident of Newport News, and who may be removed at pleasure.

5. The fees to be fixed by the governor shall be the same as the fees fixed by law for Norfolk for quarantine, and no expense under this act shall be imposed on the city of Newport News or any port of this Commonwealth.

6. The quarantine officer at Newport News now holding this office at the time of the introduction of this bill, shall continue in office until his successor shall be appointed by the governor and enter upon the discharge of his duties.

SEC. 1743a. *Quarantine for convicts in the penitentiary and prisoners in the jails in case of any contagious or infectious diseases.*—It shall be lawful for the governor of the commonwealth of Virginia, upon the application of the superintendent of the penitentiary, when requested in writing so to do by the physician at said institution, to have removed from said penitentiary any felon or prisoner serving a term of imprisonment who has contracted any such contagious or infectious disease dangerous to the public health to some place to be designated by the said governor, and when any such prisoner is so removed he shall be safely kept and treated for said disease, and as soon as he recovers his health, be returned by said superintendent to said penitentiary, unless the term of his imprisonment has expired during his quarantine, in which event he shall be discharged, but not until all danger of his spreading contagion has passed.

(2) The judges of the county and corporation courts of the commonwealth are likewise authorized and empowered to have removed from the jails of their respective counties and cities, upon the application of the keeper of the jail, when requested so to do in writing by the physician doing the practice at the jail in question, all felons or prisoners serving terms of imprisonment in said jail, and all persons who may be confined in said jail and awaiting trial, who have contracted any such contagious or infectious diseases dangerous to the public health, to some place designated by the judge of the county or corporation court, as the case may be, wherein it exists, and when said prisoners are so removed they shall be safely kept, and receive proper care and attention, including medical treatment, and as soon as they are restored to health they shall be returned to the jail from whence they were moved, unless the term of those who have been convicted of any offense should expire during the time of their quarantine, in which event they shall be discharged, but not until all danger of their spreading contagion has passed. All expenses incurred under and by reason of this act shall, as to prisoners taken from the penitentiary, be borne by the State, and as to persons taken from the jails of counties and corporations, be paid by the respective cities and counties.

SEC. 1743e. *Requiring any person, firm or corporation employing large bodies of laborers, constructing works of public improvement, to have them regularly inspected by the board of health of the counties in which they are located.*—Whereas, there is prevalent throughout many sections of the state smallpox and other contagious diseases, by reason of collecting together in one place large bodies of laborers without proper medical inspection or attention; therefore,

Any person, firm, or corporation employing large bodies of laborers in the State of Virginia constructing works of public improvement shall, unless said person, firm or corporation has its own physician for that purpose, be required to have a regular inspection by the board of health of the counties in which said laborers are employed at such times as said board of health may determine. And the said person, firm, or corporation shall pay to the physician designated to make such inspection by the board of health of said county the sum of ten dollars for such inspection; in the discretion of the examining officer, the laborers shall be vaccinated at the expense of the said person, firm, or corporation; the said obligation of ten dollars and cost of vaccination to have the force and effect of a fee bill of an officer, and be collected by the sheriff as any such fee bills may be collected.

SEC. 1719. *Establishment of hospitals by counties and towns; condemnation of lands therefor.*—The supervisors of any county may establish in said county, or the council of any town may establish in or near such town, hospitals, subject to such regulations as are not contrary to law: provided, however, that where the council of a town desires to locate a hospital outside of its corporate limits, it shall first obtain the consent thereto of the board of supervisors of the county in which such hospital is to be established. If such supervisors or council, as the case may be, can not agree on the terms of purchase with the owner of land needed for such hospital, they may acquire title to the same in the mode prescribed by chapter forty-six.

SEC. 1720. *Cost of hospitals.*—The cost of establishing and maintaining such hospitals shall be chargeable to the town or county, as the case may be.

SEC. 1721. *Establishment of temporary hospitals; how compensation for use of land, and so forth, ascertained.*—The council of any town may establish outside of its corporate limits, and the board of supervisors of a county, upon the request of any justice of such county, or upon its own motion, may establish in such county temporary hospitals for the reception of persons having any contagious or infectious disease dangerous to the public health, and to that end they may seize and appropriate, for such hospitals, so much land as may be necessary, or any private building not used for a residence; and may also appoint a health officer, and by and with his advice adopt such regulations as may be proper to prevent the spread of the disease, the expense of all which shall be paid by the town or county. If the council or board of supervisors, as the case may be, and the owner or tenant can not agree on the compensation proper to be made for the use of such land or building for the purposes aforesaid, application shall be made by such council or board to the circuit court of the county, or the judge thereof in vacation, for the appointment of five commissioners, who shall be freeholders and not inhabitants of the town where the application is by the council. Notice of the application shall be given and subsequent proceedings shall be had in accordance with the provisions of the law regulating the exercise of the right of eminent domain.

SEC. 1723. *When owner of land may apply for appointment of commissioners.*—If, within a reasonable time after the use of such property for the purposes aforesaid has ceased, the council or justices, as the case may be, fail to apply for commissioners as provided in section seventeen hundred and twenty-

one, the owner or tenant may make the application, upon reasonable notice to the adverse party.

SEC. 1743c. *To prohibit the establishment, location, or maintenance of small-pox hospitals or pest-houses within fifty yards of any street, public road, public park, or public cemetery in any city, town, or county, or to hereafter establish any such hospital or pest-house within one hundred and fifty yards of any public road, public park, or cemetery in any county.*—It shall be unlawful for the council or board of health of any city or town, or the board of supervisors, or the board of health of any county, to establish, locate, or maintain any hospital or pest-house for the reception or detention of patients suffering from smallpox, yellow fever, or cholera within fifty yards of any street, public road, public park or public cemetery, in any city, town or county of the Commonwealth; nor shall any such hospital or pest-house be hereafter established within one hundred and fifty yards of any public road, public park, or public cemetery in any county of the Commonwealth.

SEC. 1988. *Duties of pilots.*—Any pilot first meeting a vessel coming from sea shall inquire into the health of her crew and the place from which she last came; and if she has a dangerous, contagious or infectious disease on board, or comes from any place from which vessels are required to perform quarantine in this state, or from any port thereof, he shall direct said vessel to follow his boat, and carefully conduct her to the nearest place appointed for vessels to quarantine, and, as soon as possible, give notice thereof to the health officer of the port nearest thereto; for which service he shall be entitled to an extra fee of seven dollars beyond the regular pilotage, to be paid by the master or owner of said vessel; and if any pilot be permitted to go on board a vessel without being informed of a contagious or infectious disease on board, and be obliged to remain on board, or perform quarantine in consequence thereof, he shall have three dollars for each day's detention, to be paid as aforesaid.

WASHINGTON.

[Remington and Ballinger's Annotated Codes and Statutes, 1910.]

SEC. 5406. *Powers and duties, State board of health.*—The State board of health shall have the supervision of all matters relating to the preservation of life and health of the people of the State. The board shall have supreme authority in matters of quarantine and may declare and enforce it when none exists, may modify, relax, or abolish it when it has been established. The board may have special or standing orders or regulations for the prevention of the spread of contagious or infectious diseases, and for governing the receipt and conveyance of remains of deceased persons, and such other sanitary matters as may admit of and may best be controlled by universal rule. It may also make and enforce orders in local matters, when in the opinion of the State board of health an emergency exists and the local board of health has neglected or refused to act with sufficient promptness or efficiency, or when no such local board has been established, and all expenses so incurred shall be paid by the county in which such services are rendered out of the general fund of said county. It shall be the duty of all local boards of health, health authorities, and officials, officers of State institutions, police officers, sheriffs, constables, and all other officers and employees of the State, or any county, city, or township thereof, to enforce such quarantine and sanitary rules and regulations as may be adopted by the State board of health; and in the event of failure or refusal on the part of any member of said board, or other officials, or persons,

in this section mentioned to so act, he or they shall be subject to a fine of not less than $50 upon first conviction, and upon conviction of second offense of not less than $100. The board shall make careful inquiry as to the cause of disease, especially when contagious, infectious, epidemic, or endemic, and take prompt action to control and suppress it. It shall respond promptly, when called upon by the State or local government and municipal or township boards of health, to investigate and report upon the water supply, sewage, disposal of excreta, heating, plumbing, or ventilation of any place or public building.

SEC. 5410. *State commissioner of health.*—The State commissioner of health * * * shall devote his time to the investigation of sanitary conditions and the prevalence of disease in the State and to such other duties as the State board of health may direct, or this act or any other act may require. It shall be his duty to strictly enforce all laws passed for the protection of the public health and improvement of sanitary conditions of the State and to enforce all rules, regulations, and orders of the State board of health. He shall investigate all epidemics of disease that may occur in the State and advise the local health officers as to the best measures to be taken to prevent and control such disease, and he shall supervise all measures taken by local health officers for the suppression and control of disease. He shall have the same authority to quarantine and disinfect any person, article of household goods or merchandise, building or vessel that is conferred by law upon any local, county, or city health officers or commissioners: *Provided*, He shall not exercise such authority to quarantine and disinfect unless the local health officer or commissioners refuses or neglects to do so when in an emergency the safety of the public health demands it. He is authorized to release any quarantine whether ordered by himself or any local health officer when, in his opinion, it is no longer necessary.

SEC. 5412. *Annual report.*—It shall be the duty of the board of health to make an annual report, through their secretary or otherwise, in writing, to the governor of the State on or before the 1st of January of each year, and such reports shall include so much of the proceedings of the board and such information concerning vital statistics, such knowledge respecting diseases, and such instructions on the subject as may be thought useful by the board for the dissemination among the people, with suggestions as to legislative action as they may deem necessary.

SEC. 3203. *Suppression diseases of animals.*—The State veterinary surgeon * * * may, with the concurrence of the State board of health, make such rules and regulations as he may deem necessary for the protection against the spread and for the suppression of said (contagious or infectious) disease or diseases (of animals) * * *.

SEC. 5415. *Diseases of animals.*—The State board of health shall take cognizance of any fatal diseases which may be prevalent among the domestic animals of the State, and ascertain the nature and causes of such disease, and shall, from time to time, publish the result of their investigations, with suggestions for the proper treatment of such animals as may be affected, and the remedy or remedies therefor.

SEC. 5420. *Procedure in court.*—All prosecutions and proceedings instituted by the State board of health, for the violation of any of the provisions of this chapter, or any other laws to be enforced by this board, for the violation of any of the orders or regulations of the State board of health, shall be instituted by its proper officer, on the order of the board; and all laws prescribing the modes of procedure, courts, practice, and penalties for judgments applicable to local boards of health shall apply to the State board of health and the violation of its laws or orders, and all fines or judgments collected or received shall be

paid over to the State treasurer and credited to the fund created for the support of the State board of health.

SEC. 5439. *Information as to communicable diseases.*— * * * He (the secretary of the state board of health) shall inform all registrars what diseases are to be considered as infectious, contagious, or communicable and dangerous to the public health, as decided by the state board of health, in order that, when deaths occur from such diseases, proper precautions may be taken to prevent the spreading of dangerous diseases.

SEC. 5407. *Reports—Epidemics.*—It shall be the duty of the local board of health, health authorities or officials, and of physicians in localities where there are no local health authorities or officials, to report to the State Board of Health, promptly upon discovery thereof, the existence of any one of the following diseases which may come under their observation, to-wit: Asiatic cholera, yellow fever, small-pox, scarlet fever, diphtheria, typhus, typhoid fever, bubonic plague or leprosy, and of such other contagious or infectious diseases as the State Board may from time to time specify. And when any contagious or infectious disease shall, in the opinion of the State Board of Health, become or threaten to become epidemic in any city, village or county, and the local authorities shall neglect or refuse to enforce measures which, in the opinion of the State Board of Health, are efficient for its prevention, the State Board of Health, or its executive officers, on the order of the president of said board, may appoint a medical or sanitary officer, and such assistants as he may require, and authorize him to enforce such orders or regulations as said board or its executive officer may deem necessary, the expense thereof to be paid by that county in which such services are rendered out of its general fund.

[Acts of 1911, chap. 44.]

SEC. 1. *Appropriation.*—The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated, * * * for the fiscal term beginning April 1, 1911, and ending March 31, 1913, * * *

[P. 146.]

For the State board of health:

* * * * * * *

Laboratory	$4,200
Control of communicable diseases and investigation and controlling of public waters	10,000

[Remington and Ballinger's Annotated Codes and Statutes, 1910.]

SEC. 5543. *Regulations by county boards of health.*—It shall be the duty of the county board of health to make such rules and regulations as in their opinion may be necessary for the prevention, suppression, and control of any dangerous, contagious, or infectious disease, which rules and regulations shall take effect from and after the approval of the State board of health. * * *

SEC. 5544. *Supervision by county health officer.*—The county health officer shall have supervision over all matters pertaining to the preservation of life and health of the people of his jurisdiction, subject to the supervision and control of the State board of health. * * * He shall cause proper measures, in accordance with the rules and regulations and orders of the State board of health, to be taken to prevent, suppress, or control any dangerous, contagious, or infectious disease that may occur within the county. * * *

SEC. 7507. *Powers, cities first class.*—Any such city (a city with more than 20,000 inhabitants) shall have power—

17. To erect and establish hospitals and pesthouses and to control and regulate the same.

30. * * * To provide * * * for the cleaning and purification of watercourses and canals, for the drainage and filling up of ponds on private property within its limits when the same shall be * * * dangerous to health; to regulate and control, and to prevent and punish the defilement and pollution of all streams running through or into its corporate limits and for the distance of 5 miles beyond its corporate limits and on any stream or lake from which the water supply of said city is taken, for a distance of 5 miles beyond its source of supply; to provide for the cleaning of areas, vaults, and other places within its corporate limits which may be so kept as to become * * * dangerous to health, and to make all such quarantine or other regulations as may be necessary for the preservation of the public health, and to remove all persons afflicted with any infectious or contagious disease to some suitable place to be provided for that purpose.

SEC. 7612. *Powers, cities, second class.*—The city council of such city (a city with more than 10,000 and less than 20,000 inhabitants) shall have power and authority—

27. *Health board.*—To establish a board of health; to prevent the introduction and spread of disease; to establish a city infirmary and to provide for the indigent sick; and to provide and enforce regulations for the protection of health, cleanliness, peace, and good order of the city; to establish and maintain hospitals within or without the city limits; to control and regulate interments and to prohibit them within the city limits.

43. To erect and establish hospitals and pest houses and to control and regulate the same.

SEC. 5543. *County boards of health to make regulations.*—It shall be the duty of the county board of health to make such rules and regulations as in their opinion may be necessary for the prevention, suppression and control of any dangerous, contagious or infectious disease, which rules and regulations shall take effect from and after the approval of the State Board of Health. They shall have the authority to establish and maintain a pest house or isolation hospital or quarrantine station, and to restrain, quarrantine, vaccinate or disinfect any person or persons sick with or exposed to any dangerous, contagious or infectious disease, in accordance with their rules and regulations, and the rules and regulations of the State Board of Health.

SEC. 5544. *Duties, county health officer.*—The county health officer shall have supervision over all matters pertaining to the preservation of life and health of the people of his jurisdiction, subject to the supervision and control of the State Board of Health. He shall have authority to order the abatement or removal of any nuisance detrimental to the public health, and if such nuisance is not properly abated or removed to cause its removal or abatement at the expense of the owners of the property on which the nuisance is maintained. Said expenses, if not promptly paid, to be collected, with costs, by due process of law. He shall cause proper measures, in accordance with the rules and regulations and orders of the State Board of Health, to be taken to prevent, suppress or control any dangerous, contagious or infectious disease that may occur within the county. All city health officers except those of cities of the first class shall report immediately to the State Board of Health every new outbreak of any contagious or infectious disease and shall make weekly reports to the county health officer of all contagious or infectious diseases occuring within the city.

It shall be the duty of all health officers, upon the appearance of any dangerous, contagious or infectious diseases within their jurisdiction, immediately to investigate all circumstances concerning such diseases, and to make a full report thereof as required above, and at all times promptly to take such measures for the prevention, suppression and control of such diseases as may be needful and proper. Every health officer shall have the power to remove to and restrain in a pest house or isolation hospital, or to quarantine or isolate, any person sick with any dangerous, contagious or infectious disease until such sick person shall have been thoroughly recovered and been disinfected: *Provided*, That no person shall be removed to or restrained in a pest house or isolation hospital until such person has been examined by the health officer or a medical deputy. He shall also quarantine, isolate, restrain, vaccinate or disinfect any person or persons exposed to any dangerous, contagious or infectious disease in such manner and for such time as he may deem best or the State Board of Health may direct. He shall disinfect any room or house or building and the contents thereof or any clothing, bedding, furniture or other articles that may be infected, in such a manner that the danger of conveying any disease by such means shall be destroyed.

SEC. 5545. *Reports.*—Whenever any physician shall attend any person sick with any dangerous, contagious or infectious diseases, or with any diseases required by the State Board of Health to be reported, he shall, within twenty-four hours, give notice thereof to the health officer within whose jurisdiction such sick person may then be.

SEC. 5546. *Diagnosis.*—In case of the question arising as to whether or not any person is affected or is sick with a dangerous, contagious or infectious disease, the opinion of the health officer shall prevail until the State Board of Health can be notified, and then the opinion of the executive officer of the State Board of Health, or any member or physician he may appoint to examine such case, shall be final.

SEC. 5547. *Dangerous, contagious or infectious disease defined.*—The term "dangerous, contagious or infectious disease," as used in this act, shall be construed and understood to mean such disease or diseases as the State Board of Health shall designate as contagious or infectious and dangerous to the public health.

SEC. 5548. *Penalties.*—Any health officer who shall refuse or neglect to obey or enforce the provisions of this act or the rules or regulations or orders of the State Board of Health, or who shall refuse or neglect to make prompt and accurate reports to the county health officer or to the State Board of Health may be removed as health officer, by the State Board of Health and shall not again be reappointed except with the consent of the State Board of Health.

Any member of a city or county board of health who shall violate any of the provisions of this act or refuse or neglect to obey or enforce any of the rules regulations or orders of the State or county boards of health made for the prevention, suppression or control of any dangerous, contagious or infectious disease or for the protection of the health of the people of this State, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than $10.00 nor more than $200.00. Any physician who shall refuse or neglect to report to the proper health officer within twelve hours after first attending any case of contagious or infectious disease or any disease required by the State Board of Health to be reported, or any case suspicious of being one of such diseases, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than $10.00 nor more than $200.00 for each case that is not reported.

Any person violating any of the provisions of this act or violating or refusing or neglecting to obey any of the rules and regulations or orders made for the prevention, suppression and control of dangerous, contagious and infectious diseases by the county board of health or health officer or State Board of Health, or who shall leave any pest house or isolation hospital or quarantined house or place without the consent of the proper health officer or who evades or breaks quarantine or conceals a case of contagious or infectious diseases or assists in evading or breaking any quarantine or concealing any case of contagious or infectious disease, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than $25.00 nor more than $100.00, or to imprisonment in the county jail not to exceed ninety days, or to both fine and imprisonment.

SEC. 5549. *Expenses.*—All expenses in carrying out the provisions of this act, or any of them, shall be paid by the city or county by which or in behalf of which such expenses shall have been incurred.

SEC. 4410. *Exclusion from school.*—No teacher, pupil or janitor shall be permitted to attend school from any house in which smallpox, varioloid, scarlet fever, diphtheria or any other contagious or infectious diseases are prevalent. No teacher, pupil or janitor shall be permitted to return to school from any house where the above-mentioned diseases, or any form of them, have prevailed, until three weeks shall have elapsed from the beginning of convalescence of the patient, or upon the certificate of a registered physician in good standing that there is no danger of contagion. In case of whooping-cough, chickenpox and measles, certified by a physician to be not of a malignant character, this rule shall not apply to teachers, pupils or janitors who have had the diseases and have entirely recovered from them: *Provided*, That no pupil, teacher or janitor can attend school or be employed who is afflicted with the pulmonary tuberculosis.

SEC. 5536. *Communicable diseases to be reported.*—It shall be the duty of every health officer appointed under the provisions of this chapter, or by the provisions of special charters, upon the appearance of smallpox, diphtheria, scarlet fever, Asiatic cholera or dangerous contagious diseases in the town or city under his supervision, immediately to investigate all the circumstances attendant upon the appearance of such disease and to make full report thereof to the board of which he is an executive officer, and also to the state board of health; and it shall be the duty of such health officer at all times promptly to take such measures for the prevention, suppression and control of the diseases herein named, as may in his judgment be needful and proper, subject to the approval of the board of which he is a member, and it shall be the duty of every health officer to keep and transmit to his successor in office a record of all his official acts; and the salary or other compensation to be paid to every health officer appointed under the provisions of this chapter, shall be established by the board of health by whom such officer shall be appointed. The term "dangerous contagious disease" as used in this chapter shall be construed and understood to mean such diseases as the state board of health shall designate as contagious and dangerous to the public health; and health officers shall make report to the state board of health concerning the progress of such diseases and concerning the measures used for their prevention and control with such frequency as to keep the board fully informed with regard thereto, or at such intervals as the said board may direct.

SEC. 5540. *Reports by health officers.*—It shall be the duty of every health officer appointed under the provisions of this chapter . . . to report to the state board of health any information he may receive of any case of smallpox, cholera, yellow fever or typhus fever within three days after receiving

any notification or information of the existence of such disease; and any health officer . . . who shall fail or neglect to comply with the provisions of this section shall be liable to a penalty of not less than ten dollars nor more than one hundred dollars for each day of such neglect or refusal to comply with the provisions of this section.

SEC. 5512. *Restrictions on travelers.*—When any infectious or malignant disease is known to exist in any place out of the state, the municipal officers of any town or city in the state, by giving public notice therein as they find convenient, may require any person coming from such place to inform one of them or the town or city clerk of their arrival, and from what place, and if he or she does not within two hours after his or her arrival, or after actual notice of such requirement, give such information, he or she shall forfeit one hundred dollars to the use of the town or city.

SEC. 5513. Said officers may prohibit a person required to give such information from going to any part of their town where they think his presence would be unsafe for the inhabitants, and if he does not comply, they may order him, unless disabled by sickness, forthwith to leave the town or city, in the manner and by the road they may direct; and if he neglects or refuses so to do, any justice of any town or city, on complaint of either of said officers, may issue a warrant to any proper officer or other person named therein, and cause him to be removed out of the state; and if, during the prevalence of such disease in the place where he resides, he returns to any town or city in this state, without the permission of the municipal officers thereof, he shall forfeit not exceeding one hundred dollars; and if said forfeiture is not paid, he shall be imprisoned not less than three months nor more than six months.

SEC. 5514. The municipal officers of any town or city near to or adjoining the line of this state may appoint, by writing under their hands, suitable persons to attend at any places by which travelers may pass into such town or city from infected places in other states, territories, and provinces, who may examine such passengers as they suspect of bringing with them any infection dangerous to the public health, and if need be, may restrain them from traveling until licensed thereto by a justice of the peace in the town or city, or one of said officers, and any such passenger who, without such license, travels in this state, except to return by the most direct way to the state, territory, or province whence he came, after he has been cautioned to depart by the persons so appointed, shall forfeit one hundred dollars or be imprisoned three months.

SEC. 5515. *Infected articles.*—When, on the application of the municipal officers of any town or city it appears to any justice of the peace that there is just cause to suspect that any baggage, clothing, or goods of any kind within such town or city are infected with any malignant contagious disease, by a warrant directed to a proper officer, he shall require him to impress so many men as the justice thinks necessary to secure such infected articles, and to post said men as a guard over the house or place where the articles are lodged, who shall prevent any person removing or coming near such articles, until due inquiry is made into the circumstances thereof.

SEC. 5516. He may by the same warrant, if it appears to him necessary, require said officers, under the direction of the municipal officers, to impress and take up convenient houses or other buildings for the safekeeping of such infected articles, and cause them to be removed thereto or otherwise detained, until municipal officers think they are free from infection.

SEC. 5517. *Entering premises.*—Said officers, if need be, may break open any house, shop, or other place mentioned in the warrant where infected articles are and require such aid as is necessary to execute it, and all persons at the

command of either of said officers shall assist in such execution, under a penalty for refusal of not exceeding ten dollars.

Sec. 5518. *Costs.*—The charges of securing such infected articles, and of transporting and purifying them, shall be paid by the owners thereof at the price determined by the municipal officers.

Sec. 5519. *Compensation.*—When the officer impresses or takes up any house or other building, or other necessaries, or impresses any man as herein provided, the parties interested shall have just compensation therefor, to be paid by the town or city in which such persons or property were impressed.

Sec. 5520. *Courts may be adjourned.*—When a malignant infectious disease prevails in any town or city wherein the supreme or judicial court is to be held, said courts may be adjourned and may be held in any town or city in said county, by proclamation made in such public manner as the courts judge best, as near their usual place of meeting as they think safety permits.

Sec. 5521. *Removal prisoners.*—When any person in any jail or prison or workhouse in this state is attacked with any disease which the municipal officers of his town, upon medical advice, consider dangerous to the safety and health of other prisoners, or of the inhabitants of the town or city, they shall, by their order in writing, direct his removal to some place of safety, there to be securely kept and provided for until their further order; and if he recovers from such disease, he shall be returned to his place of confinement.

Sec. 5961. *Insane hospitals.*—No person laboring under any contagious or infectious disease shall be admitted into the hospitals for the insane.

Sec. 5526. *Quarantine, vessels.*—If any master, seaman, or passenger of any vessel, or steamer, in which there is any infection, or has been lately, or is suspected to have been, or which has come from a port where any infectious disease prevails, dangerous to the public health, refuses to answer, on oath, such questions as are asked him relating to such infection or disease, by the municipal or health officer of the town or city to which such vessel comes, which oath, either of said officers may administer, he shall forfeit not exceeding two hundred dollars, or be imprisoned not more than six months.

Sec. 5527. When a vessel or steamer arrives at any seaport in this state, having on board any person infected with any malignant disease, the master, commander, or pilot thereof shall anchor it at some convenient place below the town or city of such port, at a distance from the inhabitants thereof and the persons on board other vessels or steamers in the port; and no person or thing on board shall be brought on shore until municipal or health officers give them written permit so to do.

Sec. 5528. *Penalty.*—For the willful violation of the provisions of the preceding section, such master or commander shall forfeit not exceeding two hundred dollars, and the pilot not exceeding fifty dollars for such offense.

Sec. 5529. The municipal or health officers of any seaport, town or city may cause any vessel or steamer arriving there to perform quarantine at such place and under such regulations as they may judge expedient when they think the safety of the inhabitants requires it; and whoever neglects or refuses to obey such orders and regulations shall forfeit not exceeding five hundred dollars or be imprisoned not exceeding six months.

Sec. 5530. *Notice to pilots.*—When such officers of a seaport, town or city, think it necessary to order all vessels or steamers, arriving there from any particular port or ports, to perform quarantine, they shall give notice thereof to the pilots of their port, who shall make it known to the master or commander of all vessels or steamers which they board. If any pilot neglects to do so, or contrary thereto, pilots any vessel or steamer up to said seaport, town or city, he shall forfeit not exceeding one hundred dollars.

SEC. 5531. *Penalty evasion quarantine.*—When the master or commander of any vessel or steamer takes either of them to any port, town or city, after that notice of a quarantine has been so directed for all vessels or steamers coming from the port or place whence his vessel or steamer sailed, or by false declaration, or otherwise, fraudulently attempts to elude such directions, or lands or suffers to be landed from his vessel or steamer any person or thing without permission of the municipal or health officer, he shall be punished as provided in section 7603.

SEC. 5532. *Quarantine flags.*—The municipal or health officer of any seaport, town or city, requiring vessels or steamers to perform quarantine shall provide, at the expense of such town or city, a suitable number of red flags, at least three yards in length; and the master or commander of every vessel or steamer ordered to perform quarantine shall cause one of them to be continually kept, during the term thereof, at the head of the mainmast of his vessel or steamer during said term unless by permission of said officers. If he does, he shall be thereafter held liable to the same regulations and restrictions as those belonging to said vessel or steamer, and shall there be detained by force if necessary, until duly discharged by said officers.

SEC. 5533. *Quarantine officer.*—In every seaport town or city where there is a health committee or health officer, he or they may perform all the duties and exercise all the authority of municipal officers in requiring vessels or steamers to perform quarantine.

SEC. 5534. *Expense to be borne by vessel.*—All the expenses incurred on account of any person, vessel, or steamer or goods under quarantine regulations, shall be paid by him or the owner of the vessel or steamer, or goods, as the case may be.

WEST VIRGINIA.

[Code of 1906 and Supplement of 1909.]

SEC. 4381 (as am. by ch. 24, acts of 1913). *Duties of secretary State board of health.*—The secretary * * * shall respond to all communications from any member of the State board and other reputable physicians and from officers of the State, and give them such information and advice as may be necessary from time to time as to measures of sanitation or other matters connected with public health and safety. * * * During the prevalence of endemic, epidemic, infectious, and contagious diseases, or unusual sickness, he shall, on the request of the local health officer visit the locality and advise with and aid in the adoption of such regulations for its suppression as may seem best. * * *

SEC. 4382 (as am. by ch. 24, acts of 1913). *Duties of State board of health.*—The board of health is invested with all the rights and charged with all the duties pertaining to organizations of like character, and shall be the sole adviser of the State in all questions involving the protection of the public health within its limits and shall take cognizance of the interests of the life and health of the inhabitants of the State, and shall make or cause to be made sanitary investigations and inquiries respecting the causes of diseases, especially endemics and epidemics, and the means of prevention, the sources of mortality, and the effects of localities, employments, habits, and circumstances of life on the public health. * * * They shall also investigate the causes of diseases occurring among the stock or domestic animals in the State, the methods of remedying the same, and shall gather information in respect to these matters and kindred subjects for diffusion among the people. They shall also examine into and advise as to the water supply, drainage, and sewerage of cities, towns, and villages; the ventilation and warming of public halls, churches, schoolhouses,

workshops, and prisons; the ventilation of coal mines and how to treat promptly accidents resulting from poisonous gases. When they believe that there is a probability that any infectious or contagious diseases will invade this State from any other State it shall be their duty to take such action and to adopt and enforce such rules as they may in the exercise of their discretion deem efficient in preventing the introduction and spread of such disease or diseases. To better accomplish such objects, the board are empowered to establish and strictly maintain quarantine at such places as they may deem proper and may adopt rules and regulations to obstruct and prevent the introduction or spread of contagious or infectious diseases to or within the State, and shall have power to enforce these regulations by detention and arrest, if necessary. They may have power to enter into any town, city, or corporation, factory, railroad train, or any place whatsoever in the State for the purpose of investigating the sanitary and hygienic conditions, and may at their discretion take charge of any epidemic or endemic conditions arising within the limits of the State and enforce such regulations as they may prescribe. But all expenses for guards or other expenses incurred in controlling any endemic or epidemic conditions shall be paid by the county in which such epidemic occurs. The State board of health shall cause to be kept in the office of the county health officer vaccine lymph, diphtheria antitoxin, tetanus antitoxin, or any other serum preventatives of diseases that they may deem necessary and furnish them free to the poor and indigent, and in other cases where it may be necessary in their judgment to prevent the spread of contagion. The State board shall also cause to be kept in the office of the secretary vaccine lymph, diphtheria antitoxin, tetanus antitoxin, or any other form of serum preventatives of disease that they may deem necessary and distribute to county and municipal health officers to be used for the benefit of the poor and indigent, and in other cases where they may deem it urgently necessary to check contagion, free of charge.

SEC. 4383 (as am. by ch. 24, acts of 1913). *Local boards—Powers and duties, etc.*— * * * The county board of health shall exercise all the powers, rules, and regulations of the State board so far as applicable to said county. It shall be the duty of every practicing physician to report to the county health officer every case of infectious or contagious disease that may arise or come under his treatment, and the county health officer shall at least every three months make a full report to the State board, giving the character of all such epidemic, endemic, infectious, or contagious diseases, stating the number of cases reported, character of infection, action taken by the county board to arrest the infection, and the results.

The jurisdiction of the county boards of health shall not extend to any town or city in this State having a health board of its own, but they may be and are auxiliary to each other; but all town, city, and village boards of health or health officers are secondary to and subject to all orders of the State board which may, if deemed expedient, act through the county board.

Any failure to comply with any of the provisions of this section shall be considered a misdemeanor, and upon conviction thereof the offender shall be fined not more than $100.

SEC. 4384 (as am. by ch. 24, 1913). *Local boards of health—Duties as to contagious and infectious diseases, quarantine, etc.*—The local board of health of any county may declare quarantine therein, or in any particular district or place therein, against the introduction of any contagious or infectious disease prevailing in any other State, county, or place, and of any and all persons and things likely to spread such contagion or infection. As soon as such quarantine is established such local board shall, in writing, inform the members of the State

board of health residing in their congressional districts thereof, whose duty it shall be to ascertain, as soon as practicable, the necessity therefor, if any exists. and if they find that no such necessity exists, they shall declare the same raised. The said local board shall have power and authority to enforce such quarantine until the same is raised as aforesaid, or by themselves, and may confine any such infected person, or any person liable to spread such contagion or infection, to the house or premises in which he resides, or if he have no residence in the county, at a place to be provided by them for the purpose; and if it shall become necessary to do so, they shall summon a sufficient guard for the enforcement of their orders in the premises. Every person who shall fail or refuse to comply with any order made by such board under this section, and every person summoned as such guard who shall, without a lawful excuse, fail or refuse to obey the orders and directions of such board in enforcing said quarantine, shall be guilty of a misdemeanor, and for each offense be fined not less than $25 nor more than $100. In cases of emergency or of actual necessity, and when the court or corporate authorities are from any cause unable to meet or to provide for the emergency or the necessity of the case, all actual expenditures necessary for local and county sanitation, as provided for in this section, shall be certified by the local board of health to the county court, and the whole or as much thereof as the said court may deem right and proper shall be paid out of the county treasury. The board of health of any city, town, or village shall have the same powers and perform the same duties herein conferred upon and required of the local board of health in their county. The State board of health may also, under the provisions of this section, declare quarantine in any part of the State, and all the provisions of this section shall be applicable to the quarantine so declared.

It shall be the duty of every county or municipal health officer to meet with the State board of health or its representatives at least once a year, due notice having been given, at such time and place as said State board of health may designate, to attend a school of instruction for the purpose of familiarizing such county health officers with their duties in the interests of public health.

The actual expense of the attendance of such county or municipal health officer shall be paid by the county or corporation represented by such local officer, upon such presentation of a certificate showing the expense of such attendance made by the State board: *Provided*, That such expense shall not exceed an amount sufficient to cover an attendance of three days in any one year. Any county health officer may be excused from attending by the State board for good cause.

Sec. 4385. *Powers of boards of health as to vessels, trains, vehicles, etc.*— The state board of health, its agents and employees, and the local boards of health, in the absence of the state board, its agents and employees, when they have reason to believe that any steamboat or other water craft, navigating the Ohio river or its tributaries in this State, or any other of the waters of the State, or bordering thereon, is infected with any contagious or infectious disease, may prevent the landing of such boat or craft at any point in this State. They may also, if they have reason to believe that any railroad train, coach or vehicle passing on or along any railroad in this State, contains any person or thing infected with contagious matter, detain at any station or point on such railroad where it can be done with safety, such train, coach or vehicle for a time sufficient to examine the same, and if found to be so infected, for a time sufficient to disinfect and purify the same; and if the conductor or person in charge of such train, coach or vehicle, shall wilfully fail or refuse to stop the said train, coach or vehicle, for the time aforesaid, he shall be guilty of a misdemeanor and punished as prescribed in section five of this chapter. Nothing

herein contained shall be so construed as to impair or affect the powers and duties of the county court of any county, under the provisions of sections twenty-five and twenty-six of chapter thirty-nine of the Code of West Virginia, as amended and re-enacted by chapter five of the Acts of 1881.

SEC. 1227. *Powers, counties.*—The county court of a county may offer reasonable bounties or rewards for the destruction of noxious animals, birds of prey, or weeds in the county, and provide for the payment of such bounties or rewards out of the county treasury. They may also provide for the abatement or removal of nuisances prejudicial to the health of the inhabitants in any part of the county, or may require or direct the abatement or removal of any particular nuisance of the kind.

SEC. 1228. The county court may also enforce within the county such general regulations as are necessary or proper to secure the inhabitants from epidemic, contagious, or infectious diseases, or direct in any particular case the adoption of the proper measures for that purpose.

SEC. 1229. To prevent injury from rabid animals, or animals suffering under any contagious or infectious disease, said court may require such animals, or any class of them, within the county, to be removed to or confined in an appointed place, or to be killed, and their carcasses buried or destroyed, or such other measures to be taken as will in its judgment be most effectual for the purpose.

SEC. 1792. *School for deaf and blind.* * * * in said institutions (school for the deaf and blind) * * * all youth admitted must be of sound mind and not afflicted with any contagious disease.

SEC. 2690. *Asylum for insane.*—The class of persons who shall be admitted as patients in said institute (asylum for the insane) shall * * * in no case include tubercular or cancerous persons, or those afflicted with leprosy. * * *

WISCONSIN.[1]

[Annotated Statutes.]

SEC. 1407. *General authority State board of health.*—The said board shall have general supervision throughout the State of the interests of the health and life of citizens, and shall especially study the vital statistics of the State and endeavor to put the same to intelligent and profitable use. They shall make sanitary investigations and inquiries respecting the causes of disease, especially epidemics, the causes of mortality, and the effects of localities, employments, conditions, habits, and circumstances, and shall diffuse such information as they may deem proper. They shall voluntarily, or when required, advise public boards or officers in regard to location, drainage, water supply, disposal of excreta, heating and ventilation of any public building or institution, and shall recommend from time to time works of hygiene for the use of the public schools. They shall send their secretary or a committee to any part of the State whenever deemed necessary to investigate the cause and circumstances of any special or unusual disease or mortality or to inspect any public building; and such officers shall have full authority to do any necessary act therefor. The board shall in October of each even-numbered year report to the governor their transactions, investigations, and discoveries during the preceding term and such suggestions for legislation as they think fit. Before any city or village shall institute a water system, or system for water supply for the domestic use of its inhabitants, or a system of sewerage for the disposition of its sewage, such city or village shall submit to the State board of health the plans and specifica-

[1] Recent additions and changes were published in the Public Health Reports of Dec. 5, 1913.

tions for such system, and both of the water system and the sewerage system, if a sewerage system exists or is proposed, and the State board of health shall examine such plans and specifications for the proposed system and the sanitary and hygienic features thereof; and no such system shall be installed or put in operation until the State board of health shall issue its certificate that such proposed system will not be in any respect unsanitary or dangerous to the public health.

SEC. 1408. *Power as to contagious diseases; effect of rules.*—The board (State board of health) shall have power to establish such systems of inspection as in their judgment may be necessary to ascertain the presence of the contagion or infection of Asiatic cholera, diphtheria, scarlet fever, smallpox, leprosy, typhus or ship fever, yellow fever or other dangerous contagious disease—the words dangerous contagious disease as used in this chapter meaning such diseases as the board shall designate as contagious and dangerous to the public health; and any member or duly authorized agent or inspector of said board may enter any building, vessel, railway car or other public vehicle to inspect the same and remove therefrom any person affected by such a disease, and for this purpose may require the person in charge of any vessel or public vehicle, other than a railway car, to stop the same at any place, and may require the conductor of any railway train to stop his train at any station or upon any sidetrack for such time as may be necessary. The board may also, from time to time, make, alter, modify or revoke rules and regulations for guarding against the introduction of any such disease into the State, for the control and suppression thereof within it, for the quarantine and disinfection of persons, localities, and things infected or suspected of being infected by such disease, for the transportation of dead bodies, for the speedy and private interment of the bodies of persons who have died from dangerous contagious disease, for the proper observance of the provisions of sections 4608a and 4608b, for the proper sanitary care of jails, asylums, schoolhouses, hotels, and all other public buildings and the premises connected therewith, and, in emergency, may provide those sick with any such disease with necessary medical aid and with temporary hospitals for their accommodation and also for their nurses and attendants. The board may declare any or all of its rules and regulations made in accordance with the provisions of this section to be in force within the whole or any specified part of the State and make applicable to any vessel, railway car or public vehicle of any kind. Such rules and regulations, if of general application, shall be published in the official State paper; but whenever, in the judgment of the board, it shall be necessary so to do, special rules, regulations or orders may be made for any city, village, or town without being so published, and the service of copies thereof upon the proper city, village or town officers shall be sufficient notice thereof. Rules, regulations or orders made in accordance herewith, shall, for the time being and until revoked, supersede all local rules, regulations, or ordinances that may be in conflict therewith. All health officers, local boards of health, sheriffs, constables, policemen, marshals, and other officers and employees shall respect and enforce the rules and regulations made in pursuance hereof in every particular affecting their respective localities and duties. Any person who shall neglect or refuse to obey such rules and regulations, or who shall willfully obstruct or hinder the execution thereof shall be punished for each offense by a fine of not less than $25 nor more than $500, or by imprisonment in the county jail for not more than six months, or by both fine and imprisonment. It is the duty of all city, county, town, and village officers, of all local boards of health and all officers and persons in charge of all institutions, buildings, vessels, and vehicles within

this section to cooperate with the State board of health in carrying out these provisions, and if such cooperation be refused or withheld said board may execute its rules and regulations by agents of its own appointment, and all expenses incurred in so doing shall be paid by the county, city, town or village the officers of which have failed to so cooperate and in behalf of which expenses have in consequence thereof been incurred: *Provided*, That such liability for expenses shall not exist if they are incurred for the prevention and control of Asiatic cholera and the State has created a fund for that purpose.

SEC. 1408*m*–2 (added by ch. 636, 1911). *Duties and powers, inspector.*—It shall be the duty of the sanitary inspector to assist in promoting the work of the State board of health in such manner as the board may direct, to the end that the laws and rules adopted by said board for the preservation of the public health may be strictly enforced in the various parts of the State. The inspector shall have the same right of inspection in regard to all matters affecting the public health as has been, or may be, conferred upon the State or local boards of health.

SEC. 1408*m*–3 (added by ch. 636, 1911). *Investigations by inspector.*—The sanitary inspector shall, under the direction of the board and with full authority to act for the board, make thorough and complete investigations of nuisances, sources of sickness, infectious or contagious diseases, water supplies, and sewage-disposal systems, the sanitary condition of public buildings, jails, schoolhouses, school grounds, hotels, and such other work as is found necessary to improve the general sanitary and hygienic conditions. The inspector shall make special investigations concerning the prevalence of tuberculosis in any locality. He shall assist the State board of health in enforcing the laws and rules adopted by the board for the prevention, control, and reporting of tuberculosis.

SEC. 1408*m*–4 (added by ch. 636, 1911). *Reports by inspector.*—The inspector shall immediately after the completion of an investigation report in writing to the Secretary of the State board of health a complete account of the essential facts disclosed by the investigation, together with the recommendations made and the work done to better safeguard the public health.

SEC. 1406*m* (added by acts of 1911, chapter 519). *Laboratory of hygiene.*—1. There is established in connection with the State university a continuance of the State hygienic laboratory, to be known as the State laboratory of hygiene.

2. The director of this laboratory shall, whenever feasible, be the professor in charge of the department of bacteriology and hygiene of the State university. A bacteriologist, a chemist, and such other assistants as is found necessary to satisfactorily carry on the work of the laboratory, shall be provided by the board of regents of the State university. The director and his assistants when making investigations affecting the public health, shall have the same right of inspection in regard to all matters affecting the public health as has been and may be conferred upon the same board of health.

3. The use of this laboratory by the State board of health shall be determined by rules and regulations adopted by the director of the State laboratory of hygiene, the president of the State university, and the executive committee consisting of two members, of the State board of health.

4. The purpose of this laboratory shall be to undertake the examination of water supplies for domestic purposes, the examination of material from the various contagious and infectious diseases, or material from suspected cases of contagious and infectious diseases of men and animals when public health is concerned; to examine into the nature and cause of disease outbreaks throughout the State; to study conditions relating to diseases and their dissemination, or any other problems that bear directly or indirectly upon the public health.

The examination of water supplies shall include the establishment of a water survey of the State and shall comprehend not only the examination from a public health standpoint, but may also include the examination of water to ascertain its suitability for manufacturing and commercial purposes, as determined by the rules and regulations herein provided for.

5. There may be established and operated in connection with the State laboratory of hygiene, an institute for the preparation of vaccine for administering the Pasteur treatment for the prevention of hydrophobia.

6. The State laboratory of hygiene shall examine free of charge the following specimens when submitted in proper containers by licensed physicians, veterinarians, health officers, and health commissioners: The sputum of all persons afflicted with tuberculosis, or suspected of being afflicted with tuberculosis, when sent in proper containers; blood from suspected typhoid fever cases (widal test), swabs from patients suspected of diphtheria for diagnosis and for the release of quarantine; rabies in man or animals, anthrax, glanders, and such other examinations as may be provided for in the rules and regulations governing the use of the laboratory. The laboratory shall be used to make such studies in sanitation and hygiene as will assist in the enforcement of the health laws of the State, or aid in improving the general sanitary condition of the State.

7. For the purpose of carrying out the provisions of this act the board of regents of the State university shall continue to annually appropriate, so far as practicable, from the university fund income a sum sufficient to properly maintain and operate such laboratory.

SEC. 1416–18 (added by ch. 279, acts of 1909). *State board to take charge.*—If at any time the authorities in any city, incorporated village, or town fail, neglect, or refuse to enforce the statutes and the rules of the State board of health for the restriction and prevention of dangerous communicable diseases, the State board of health shall take charge and enforce the laws and rules, and all expenses thus incurred shall be paid by the city, incorporated village, or town in which such enforcement becomes necessary.

SEC. 1421. *Expenses in local communities.*—All expenses incurred under this chapter, except such as are herein otherwise chargeable, shall be paid by the town, city, or village in which the same are incurred.

SEC. 1416–19 (added by ch. 465, acts of 1911). *Conferences.*—It shall be the duty of the health officer, or a representative of any local board of health, to attend a local conference called by the secretary of the State board of health when required to do so by the latter, for consultation or conference concerning the restriction and prevention of contagious and infectious diseases or for the consideration of any other important sanitary matters affecting their respective district; and the expenses of the health officer or represenative shall be certified by the board appointing him and paid out of the general funds of the city, incorporated village, or town where such board is established, provided that no board of health shall be required or authorized to send a health officer or representative to more than one conference in any one year. No local conference shall be authorized under the provisions of this act except in cases where dangerous, contagious, or infectious diseases are present in the district, or when other conditions dangerous to the life and health of the people are found to exist. The secretary of the State board of health may provide biannually for a State conference of health officers and health commissioners of cities and villages to be held at such time and place as the State board of health may determine; the expense of the health officer or health commissioner in attending such conference to be paid by the incorporated village or city, upon the certification of the secretary of the State board of health.

1411 (as amended by chapter 140, acts of 1907). *Measures by local authorities.*—

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Every board of health shall take such measures and make such rules and regulations as they may deem most effectual for the preservation of the public health. To provide for the control of diphtheria and other contagious diseases, the local board of health shall furnish antitoxin free to all indigent persons suffering from such diseases, in such manner as the State board of health may direct. They may * * * examine into all * * * causes of sickness, and make such rules and regulations respecting the same as they may judge necessary for the public health and safety of the inhabitants.

SEC. 1412. *Health officers' duties.*—It shall be the duty of every health officer, chosen under the provisions of the preceding section, or under any village, or city charter, upon the appearance of any dangerous contagious disease in the territory within the jurisdiction of the board of which he is a member, to immediately investigate all the circumstances attendant upon the appearance of such disease, make a full report to such board, and also to the State board of health; and it shall likewise be his duty at all times promptly to take such measures for the prevention, suppression, and control of any such disease as may in his judgment be needful and proper, subject to the approval of the board of which he is a member. Every health officer shall keep and deliver to his successor a record of all his official acts. The term dangerous contagious disease, as used herein, shall include smallpox, diphtheria, scarlet fever, Asiatic cholera, and such other diseases as the State board of health shall designate as contagious and dangerous to the public health. Every health officer shall make a report to the secretary of such board (State board) concerning the progress of such diseases and the measures used for their prevention and control with such frequency as to keep that board fully informed in relation thereto, or at such intervals as the secretary thereof may direct.

SEC. 1413. *Publication of rules.*—Notice shall be given by the board of health of all orders and regulations made by them by publishing the same in some newspaper, if there be one published in such town, village, or city; if there be none, then by posting up the same in five public places therein; and such publication of said orders and regulations shall be deemed a legal notice to all persons.

SEC. 1412a (as amended by ch. 85, acts of 1909). *Reports of contagious disease.*—Whenever any physician practicing in this State shall know or have good reason to believe that any persons whom he treats or visits is sick with a dangerous, contagious, or infectious disease he shall, immediately after obtaining such knowledge or forming such belief, give notice thereof in writing, stating the name, sex, age, and place of residence of the persons whose sickness is reported, the nature of the disease and such additional facts as such board may prescribe, to the board of health of the town, city, or village in which such sick person shall then be, and if he shall fail to do so for a period of twenty-four hours thereafter he shall forfeit not less than five nor more than twenty-five dollars for each day of such failure after the expiration of said twenty-four hours; provided, that such notice may be sent by mail, or, except in cities, may be given to, or left at the residence of, any member of the board of health. When any person is sick with any such disease and no physician is in attendance upon such person, the provisions of this section shall apply to the responsible head of the family of which he is a member, or if the sick person is not a member of the family occupying the house or building in which he may be, to the person in charge thereof. It shall be the duty of the district attorney of the proper county, upon complaint being made under oath by any

citizen before any magistrate, of failure to give notice as herein required, to sue for the collection of the forfeiture herein imposed, which, when collected, shall be for the benefit of the school fund.

SEC. 1416—7 (amended by ch. 93, acts of 1907). *Infectious diseases; reports in all municipalities by physicians and others.*—It shall be the duty of every physician to report to the department of health in every town, incorporated village or city, in writing, the full name, age and address of every person suffering from any one of the infectious or contagious diseases following, to-wit: Measles, smallpox, diphtheria (membraneous croup), scarlet fever (scarletina), typhoid fever, tuberculosis (of any organ), rubella (rotheln), chickenpox, typhus fever, plague, erysipelas, Asiatic cholera, whooping cough, cerebro-spinal meningitis, yellow fever; and it shall be the duty of every person, owner, agent, manager, principal or superintendent of any public or private institution or dispensary, hotel, boarding or lodging house, in any such town, incorporated village or city, to make a report, in like manner and form, of any inmate, occupant or boarder suffering from any of the said infectious or contagious diseases.

SEC. 1416—2 (amended by ch. 93, acts of 1907). *Report of deaths.*—It shall be the duty of every physician to report forthwith in writing to the said department of health, the death of any person who dies from, or while suffering with or from any infectious or contagious disease, and to state in such report the specific name and type of such disease, and in the absence of an attending physician, it shall be the duty of every keeper of any boarding house or lodging house, and the proprietor of every lodging house or hotel, to report forthwith to the department of health, all known facts in regard to any person who died in any such house or hotel under his charge suffering from any of the following infectious or contagious diseases: measles, diphtheria (membraneous croup), scarlet fever, typhoid fever, turberculosis, smallpox, chickenpox, Asiatic cholera, typhus fever, rubelia (rotheln), plague, whooping cough, within twenty-four hours after the death of such person.

SEC. 1416—3 (amended by ch. 93, acts of 1907. *Duty of citizens to report.*—It shall be the duty of every person having knowledge of the existence of any person afflicted with any one of the following infectious or contagious diseases, to-wit: measles, diphtheria (membraneous croup), scarlet fever, typhoid fever, tuberculosis, smallpox, Asiatic cholera, typhus fever, rubelia (rotheln), plague, and whopping cough, or has reason to believe that any person is so afflicted, to at once report to the health department of such town, incorporated village or city, all facts in regard to the case, and no person shall interfere with or obstruct the entrance, inspection or examination of any building or house, or the occupants thereof, by the health officer, commissioner of health or his assistants, of such town, incorporated village or city, or any officers of such department, when investigating a reported case of one of the infectious or contagious diseases above specified, as existing in such house or dwelling, nor shall any person interfere with or obstruct, mutilate, or tear down any notices of such department posted in or on any premises within such municipality.

SEC. 1416—15 (added by ch. 279, acts of 1909).—*Examination of cases.*—Whenever a health officer shall know, suspect, or be informed of the existence of any communicable disease, dangerous to the public health, it shall be the duty of such health officer, or deputy, to at once examine such case, or cases of alleged communicable disease, dangerous to the public health. If a quarantinable disease is found to exist, the health officer shall at once establish quarantine as provided in the rules and regulations adopted by the state board of health for the control of dangerous, contagious, or infectious diseases.

SEC. 1416—16 (added by ch. 279, acts of 1909). *Removal of persons afflicted.*—When in the judgment of the health officer it appears necessary for the protec-

tion of the public health that such afflicted person, or persons, should be isolated and quarantined in a separate building, or place, the health officer shall remove such afflicted person, if it can be done without danger to his health, to such building or place, and the expense of such removal shall be paid by the board having jurisdiction of such cases, out of the general funds of the city, incorporated village, or town.

SEC. 1416—17 (added by ch. 279, acts of 1909). *Expense for quarantine and disinfection.*—The expense for necessary nurses, medical attention, food and other articles needed for the comfort of the afflicted person, or persons, shall be a charge to the person so taken care of, or against any other person who may be liable for his support. Indigent cases shall be cared for at public expense upon the order of the local board of health. The expense of maintaining quarantine and disinfection of persons and premises after death or recovery, shall be paid by the city, incorporated village, or town, upon the order of the local board of health. In all cases the disinfecting and cleansing, so as to effectually destroy the contagion, shall be done before quarantine is removed. The disinfecting and cleansing shall be carried out according to methods endorsed and recommended by the State Board of Health.

SEC. 1416—18 (added by ch. 279, acts of 1909). *State board to take charge.*—If at any time the authorities in any city, incorporated village, or town, fail, neglect, or refuse to enforce the statutes and the rules of the State Board of Health of the restriction and prevention of dangerous communicable diseases, the State Board of Health shall take charge, and enforce the laws and rules, and all expenses thus incurred shall be paid by the city, incorporated village, or town in which such enforcement becomes necessary.

SEC. 1416—19 (added by ch. 279, acts of 1909). *Local conferences.*—It shall be the duty of the health officer, or a representative of any local board of health to attned a local conference called by the secretary of the State Board of Health when required to do so by the latter, for consultation or reference concerning the restriction and prevention of contagious and infectious diseases or for the consideration of any other important sanitary matters affecting their respective districts and the expenses of the health officer or representative shall be certified by the board appointing him and paid out of the general funds of the city, incorporated village, or town where such board is established, provided that no board of health shall be required or authorized to send a health officer or representative to more than one conference in any one year. No conference shall be authorized under the provisions of this act except in cases where dangerous, contagious or infectious diseases are present in the district, or when other conditions dangerous to the life and health of the people are found to exist.

SEC. 1416—12 (amended by ch. 93, acts of 1907). *Penalties.*—Any person who shall violate any of the provisions of this act, and any person who, without written authority from the commissioner of health or health officer shall remove, or cause to be removed any placard placed upon premises or apartments which are or have been occupied by persons sick with any of the diseases mentioned in section 1416—1, upon conviction thereof, shall be fined not less than five dollars nor more than one hundred dollars or by imprisonment in the county jail for not less than five days nor more than ninety days.

SEC. 1416—13 (amended by ch. 93, acts of 1907). *Common councils not limited by sections 1416—1 to 1416—11 inclusive.*—The provisions of this act shall not be construed as a limitation upon the officers of the common council of any city to pass such ordinances in aid of the officers of the commissioner of health as may tend to promote and secure the general health of the inhabitants of such city.

SEC. 1417. *Removal from place of confinement.*—When a person confined in a common jail, county asylum, work house, or poor house has a disease which, in the opinion of the physician of the board of health or such other physician as it may consult, is dangerous to the safety and health of the other prisoners or inmates or of the inhabitants of the neighborhood, the board shall, by its order in writing, direct the removal of such persons to some hospital or other place of safety, there to be provided for and securely kept, so as to prevent his escape until its further order. If such person recover from the disease he shall be returned to such jail, county asylum, work house or poor house; and if the person so removed is committed by the order or judgment of any Court or under judicial process, the order for his removal, or a copy thereof, shall be returned by the board, with their doings thereon, to the officer or Court under whose order, judgment or process such person was committed. No prisoner so removed shall thereby commit an escape.

SEC. 4608d (added by ch. 209, acts of 1907). *Contagious diseases: Suspected cases; protection of public.*—Any person who knows that he is afflicted with small-pox, diphtheria, scarlet fever or other dangerous, contagious, infectious or pestilential disease who shall wilfully enter any public place or public conveyance, or shall, in any way, wilfully subject others to danger of contracting the disease with which he is afflicted, and any person who shall knowingly and wilfully take, aid in taking, advise or cause to be taken a child or other person, who is afflicted or is suspected of being afflicted with any such disease, into any such place or conveyance, or in any way knowingly and wilfully subject other persons to danger of contracting any such disease from any such child or person, or who shall knowingly and wilfully subject other persons to the danger of contracting any such disease from the body of a person who died thereof, or who shall in any way knowingly and wilfully expose, aid in exposing or cause to be exposed a child or other person to danger of contracting any such disease shall be punished by imprisonment in the county jail not more than one hundred days nor less than twenty days, or by fine not exceeding one hundred dollars nor less than fifty dollars; or by both such fine and imprisonment in the discretion of the court.

SEC. 940a. *Appropriation for destruction of property.*—Whenever personal property is destroyed by order of the officers of any city, town or village, to stamp out or prevent the spread of contagious or infectious disease, the common council, board of trustees, or supervisors, as the case may be, may appropriate money from the treasury of the city, town or village in which such property was so destroyed for the purpose of paying for the same, provided that no more than one hundred dollars shall be appropriated for the destruction of such property owned or in the possession of any single family, and that no appropriation shall be made unless the certificate of the local board or commissioner of health shows that such destruction was necessary, and the amount and value of the property destroyed, and in no case shall the sum appropriated exceed the actual value thereof as determined by such certificate.

SEC. 1427a. *Contagious diseases in hotels.*—No person shall be entitled to entertainment at any inn or hotel in this state who is suffering from a contagious disease, as enumerated in section 1408, statutes of 1898, nor shall one who has been suffering from any such contagious disease be entitled to such entertainment until all danger of spreading contagion therefrom is past; provided, however, that nothing in this act contained shall authorize compulsory removal or refusal of shelter to any such person then receiving entertainment at any such inn or hotel, if such removal would specially endanger life or health.

Any person who shall knowingly and wilfully solicit or receive entertainment in violation of the provisions of section one of this act shall be deemed guilty of a misdemeanor and on conviction shall be punished by a fine not exceeding one hundred dollars or by imprisonment in the county jail not exceeding six months.

SEC. 1022–22 (added by ch. 469, acts of 1907)—*Dead bodies.*—In case the death occurred from some disease that is held by the state board of health to be infectious, contagious or communicable and dangerous to the public health no permit for the removal or other disposition of the body shall be granted by the registrar except under such conditions as may be prescribed by the state board of health.

SEC. 4602. *Inoculating with smallpox.*—Any person who shall inoculate himself or any other person, or shall suffer himself to be inoculated, with the smallpox within this state, with the intent to cause the prevalence or spread of such infectious disease, shall be punished by imprisonment in the state prison, not more than three years nor less than one year.

SEC. 925—111b. *Physicians to report contagious diseases.*—It shall be the duty of every physician practicing in any city which has adopted this chapter (cities under general charter) to report in writing to the commissioner of public health every patient he shall have who is sick with smallpox, scarlet fever, diphtheria, typhoid fever, Asiatic cholera or any other dangerous contagious disease, within twenty-four hours after he shall ascertain or suspect the nature of such disease. The reports shall be in such form as may be prescribed by the State Board of Health, and shall state the name, sex, age and place of residence of the person whose sickness is reported. the nature of the disease and such additional facts as said board may prescribe. Any practicing physician who shall refuse or neglect to perform the duties required of him by this section, or who shall make a false return of the facts required, shall be punished by a fine not less than twenty-five nor more than one hundred dollars for each offense, or by imprisonment in the county jail for a period of not exceeding sixty days, or by both fine and imprisonment.

SEC. 925—108.—The commissioner of public health (in cities under general charter) shall have all the power and authority heretofore given or which may hereafter be given to boards of health by any general law, and it shall be his duty to provide such additional rules and regulations as shall be proper and necessary for the preservation of the health of the people of the city, to prevent the spread of contagious diseases * * *.

SEC. 925–52. *Powers, cities.*—The (city) council shall have * * * full power * * *

22. To regulate, control or prohibit the landing of persons from boats or vessels wherein are contagious or infectious diseases or disorders, and make such disposition of such persons as to preserve the health of the inhabitants of said city; and also to make regulations to prevent the introduction of contagious diseases into the city or the spread of the same therein; to make quarantine laws or regulations and enforce the same within the city and not to exceed five miles beyond the city limits.

23. To establish hospitals and provide for their regulation and support.

[Acts of 1911, ch. 248.]

SEC. 1412m—1. *Disputed diagnosis.*—In cases where there is a dispute regarding the diagnosis of a contagious or infectious disease, it shall be the duty of the health officer to order that a bacteriological examination be made in the state laboratory of hygiene, if such examination will assist in making a proper diagnosis. The health officer shall disinfect or cause to be disinfected, rooms,

clothing and premises, and all articles likely to be infected, before allowing their use by persons other than those in isolation and before quarantine is removed, if the disease is a quarantinable one. All homes or places of residence where a disease is found to exist which is designated by the state board of health as contagious and dangerous to the public health, shall be placarded by the health officer during the time when the disease is present in the home, and until the disinfection of patient and premises.

SEC. 1412m—2. *Books, blanks, etc.*—All record books, quarantine cards, blank certificates for reporting contagious or infectious diseases to the local health officer and other material needed to satisfactorily carry on the work of the board, except such as is furnished by the state board of health, shall be supplied by the local health officer and paid for at public expense, upon the order of the local board of health.

The blank certificates for the report of dangerous, contagious or infectious diseases shall provide space for the following items of information: the name, sex, age and place of residence of person whose sickness is reported, the nature of the disease, the name and post-office address of the person who makes the report, and such additional facts as said board may prescribe.

SEC. 1412m—3. *Certificate; prosecutions.*—Every certificate of an infectious or contagious disease, when properly filled out and signed by the attending physician, or responsible head of the family where there is no physician in attendance, shall be prima facie evidence of the existence of such disease when filed with the local health officer of the proper district.

When any violation of the state law or the rules of the state board of health relating to the reporting of contagious or infectious diseases is reported to the district attorney, either by the local health officer or by the secretary of the state board of health, the district attorney shall forthwith initiate and promptly follow up the necessary court proceedings against the parties responsible for the alleged violations, and upon request of the secretary of the state board of health, the attorney-general shall likewise assist in the enforcement of the provisions of this act.

[Acts of 1911, ch. 44.]

SEC. 1408. *Reports to school authorities.*—Upon the appearance of any dangerous communicable disease in any school district, it shall be the duty of the health officer of the township, incorporated village, or city where the schoolhouse is located to notify at once, in writing, the principal or teacher of such school, giving the names of all families where the disease exists. If the rules of the state board of health provide for the exclusion from school of teachers, or pupils from homes where such disease exists, the health officer shall request the principal of the school to exclude from school attendance all such persons until a written order signed by the health officer permitting attendance at school is presented.

Whenever the principal or teacher of the school has been notified of the prevalence of a dangerous communicable disease in the school district, or whenever the principal or teacher of the school knows or suspects that a dangerous communicable disease is present in the school district, it shall be the duty of such principal to at once notify the health officer of the town, village, or city where the schoolhouse is located, of such absence from school on account of sickness. The health officer must then investigate all such cases, to determine whether or not a dangerous communicable disease is present in such family.

SEC. 1408b. *School attendance.*—Parents, guardians, or persons having custody of any child or children, shall not permit such child or children, if afflicted with a dangerous communicable disease, or if they have been exposed

to a dangerous communicable disease, except tuberculosis and typhoid fever, to attend any school.

SEC. 1408c. *Cleansing and disinfection schools.*—All schoolhouses, before school opens at the beginning of each school term, shall be thoroughly cleansed and after the outbreak in such school of any contagious disease, shall be thoroughly cleaned and disinfected as provided by the state board of health in its rules and regulations for the fumigation and disinfection of homes, or other buildings. All schoolhouses, homes, and other buildings requiring disinfection shall be disinfected by or under the direction of the local health officer, and the expenses necessarily incurred shall be paid for by the township, incorporated village, or city upon the order of the local board of health.

SEC. 1408d. *Penalty.*—Neglect or refusal on the part of any principal or teacher to comply with the requirements of this law shall be considered sufficient cause for dismissal from school by the school board.

[Ch. 152, Laws of 1903.]

SECTION 1. *Lands for hospital.*—Any city of the first or second class in this state, as classified by the statutes of 1898, whether organized under general or special charter, now having or which may hereafter have a commissioner or board of health, may purchase lands or acquire by gift lands outside of the corporate limits of such city, said lands so purchased or acquired to be at least one and a half miles from the limits of said city, and may construct and maintain thereon a hospital for the reception and treatment of persons sick with smallpox, scarlet fever, diphtheria, Asiatic cholera, or other dangerous or contagious diseases. The buildings of such hospitals in which such persons shall be received and treated shall be so placed as to be distant at all points not less than six hundred feet from the boundary line of such lands. Provided, that any owner of land abutting upon land purchased and used by such city for such purpose may recover from such city actual damages, if any, sustained by such owner by the reason of the location of such hospitals.

SEC. 2. *Sick persons; how transported.*—The commissioner or board of health of such city or his or their assistants or employes, may transport in closed vehicles to and from such hospital any person who may be sick with smallpox, scarlet fever, diphtheria, Asiatic cholera, or other dangerous or contagious disease in such city.

SEC. 3. *Jurisdiction and control.*—The commissioner or board of health of such city shall have full and complete jurisdiction and control of all hospitals built or established in pursuance hereof and may adopt all such rules and regulations for the government thereof, admission, commitment, transportation and treatment of all patients and persons suffering from any such contagious diseases while going to, detained in or returning from any such hospital as in the judgment of the commissioner or board shall be necessary or convenient for the efficient or proper government of such hospitals and all laws relating to health or defining the powers of jurisdiction of such commissioner or board in any such city, shall extend and apply to every such hospital the same to all intents and purposes as though such hospital were situated within the corporate limits of such city.

[Acts of 1911, ch. 252.]

SEC. 1022—53m. *Occupational diseases.*—1. Every medical practitioner in this state attending on or called in to visit a patient whom he believes to be suffering from poisoning from lead, phosphorus, arsenic or mercury or their compounds, or from compressed air illness, contracted as a result of the nature of

the patient's employment, shall send to the secretary of the state board of health and bureau of vital statistics a notice, stating the name and full postal address and place of employment of the patient and the disease from which, in the opinion of the medical practitioner, the patient is suffering.

2. If any medical practitioner fails to comply with the provisions of this section, he shall be liable to a fine not exceeding ten dollars.

3. It shall be the duty of the commissioner of labor and industrial statistics to enforce the provisions of this section, and he may call upon the state and local boards of health for assistance.

WYOMING.

[Compiled Statutes, 1910.]

SEC. 2934. *Duties and powers, State board of health.*—Said board shall take cognizance of the interests of health and life among the people of this State. They shall make sanitary investigations and inquire respecting the causes of disease, and especially of epidemics, the sources of mortality, and the effects of localities, employments, conditions, habits, and other circumstances bearing upon the public health. It shall be their duty to investigate regarding all contagious and infectious diseases that are a menace to public safety, and they shall collect such information in respect to these matters as may be useful in the discharge of their duties and contribute to the promotion of health and security of life in this State. They shall cause to be made by the secretary or by the board, inspections at such times as they may deem best; and whenever directed by the governor or the legislature, of all public hospitals, prisons, asylums, or other public institutions, in regard to the location, drainage, water supply, disposal of excreta, heating, ventilation, and other circumstances in any way affecting the health of their inmates, and shall also suggest such remedies as they may consider suitable for the removal of all the conditions detrimental to health in said institutions, in writing, to the officers thereof.

SEC. 2935. *Exchange of sanitary information.*—Said board shall cause all proper sanitary information in its possession to be promptly forwarded to the county health officers, adding thereto such useful suggestions as the experience of said board may supply, and it is also hereby made the duty of said county health officers to supply the like information and suggestions to said board of health, and the said board of health is authorized to require reports and information at such times of such facts and of such nature and extent, relating to the safety of life and promotion of health as its by-laws or rules provide, from all public dispensaries, hospitals, asylums, infirmaries, prisons, schools, and from managers, principals, and officers thereof, and from all other public institutions, their officers, managers, and from the proprietors, managers, lessees, and occupants of all places of public resort in the State, but such reports and information shall only be required concerning matters or particulars in respect to which they may in their opinion need information for the proper discharge of their duties. Said board shall, when requested by public authorities, or when they may deem it best, advise the officers of the State, counties, cities, or towns or local governments in regard to sanitary drainage and the location, drainage, ventilation, and sanitary provisions of any public institution, building, or public place.

SEC. 2936. *Duty of health officers.*—Said board shall give all information that may be reasonably requested concerning any threatened danger to the public health, and the local health officers and all State, county, city, and town officers in the State shall give the like information to the said board, and said board and said State, county, city, and town officers shall, so far as legal and practi-

cable, cooperate to prevent the spread of disease, and for the protection of life and the promotion of health within the sphere of their respective duties.

When in any county a case of smallpox, cholera, typhoid fever, scarlet fever, diphtheria, or other epidemic or contagious or infectious disease is known to exist, it shall be the duty of the county health officer of such county to immediately notify the secretary of the State board of health of the existence of the same, with such facts as to its cause and continuance as may then be known.

SEC. 2942. *Duty of physicians.*—It shall be the duty of every practicing or licensed physician in the State of Wyoming to report immediately to the secretary of the state board of health and county health officer, by telegram or telephone, or in the most expeditious manner, every case of smallpox, cholera, scarlet fever, diphtheria, or contagious or infectious disease that is a menace to public health, and such telegram shall be paid for out of the funds provided for the expenses of said state board of health.

SEC. 2943. *Penalty for neglect of duty by physician.*—Any practicing or licensed physician who shall fail to report to said secretary any such case in the manner provided in the preceding section, or shall willfully make any false report regarding any such case, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined in the sum of not less than one hundred dollars and not more than one thousand dollars, or imprisoned in the county jail not less than six months nor more than one year.

SEC. 2939. *Duty of board when advised of disease.*—It shall be the duty of the board of health, immediately upon the receipt of information that there is any case of smallpox, cholera, scarlet fever, diphtheria, or other infectious or contagious disease, which is a menace to the public health, in any portion of this state, to order the county health officer by telegram or telephone, if he is not at hand, to proceed immediately to said place and there to investigate said case or cases, and to report to the secretary of the board by telegram or telephone, the results of said investigation, and it shall be the duty of the state board, if in its judgment the occasion requires, to direct the county health officer to declare said infected place to be in quarantine and to place any and all restrictions upon the ingress and egress thereat as in his judgment, or in the judgment of the board shall be necessary to prevent the spread of the disease from the infected locality; and it shall be the duty of the said county health officer when he shall have declared any city or town or other place to be in quarantine, so to control the population of said city, town or other place, and make such disposition of the same, as shall in his judgment best protect the people and at the same time prevent the spread of the disease among the same. And when deemed necessary for the protection of the public health, the board shall establish and maintain a state quarantine, and shall enforce such practical regulations regarding railroads, stage lines, or other lines of travel into and out of the State of Wyoming as they do deem proper and necessary for the protection of the public health, and that the expenses incurred in maintaining said state quarantine shall be paid out of the funds in the state treasury appropriated for this purpose and in the manner in which the other expenses of said board are audited and paid. The said county health officer, or the board, are hereby authorized to employ a sufficient number of police officers who shall be under the control of said county health officer, to enforce and carry out any and all quarantine regulations the board may prescribe, which said regulations shall be made public in the most practicable manner, in the several counties, cities, towns or other places where the quarantine may be established. And where quarantine is established by the county health officer, he shall make immediate report of his actions and doings in the premises to the secretary of the

state board of health and from time to time so long as the quarantine shall continue. It shall also be the duty of the county health officer to furnish all supplies, in the nature of clothing, provisions, construction of pest houses or other things necessary for the maintenance of such quarantine, and upon certificate of the county health officer, approved by the secretary and president of the state board of health, it shall be the duty of the county commissioners of any county where such quarantine has been established, to issue warrant or warrants to the proper parties for the payment of all such expenses, together with the expense of employing sufficient police force to maintain and enforce said quarantine.

SEC. 2944. *Quarantine regulations.*—In case of the existence of smallpox, cholera, typhoid fever, scarlet fever, diphtheria, or any infectious or contagious disease that is a menace to public health, or of any epidemic or any such disease, the board may, if it deems proper, proceed to the locality where such disease exists, and make such investigation as is necessary to ascertain the cause therefor, or the board may delegate its secretary to make such investigation, and in case of quarantine established by the county health officer, the state board of health shall have the power after close personal inspection to modify or abrogate any or all quarantine regulations after the same have been established.

SEC. 2954. *Claims for medical service lien against property or income of persons treated.*—Claims for such service in the treatment and quarantine of contagious diseases, and the disinfection incident thereto, when approved by the proper officers of the state board of health, shall be a lien against the property or income, or both, of any and all persons subject to quarantine regulations and may be recovered with costs in the same manner as is provided by law for the collection of accounts.

SEC. 2953. *Counties not liable for treatment contagious diseases.*—The respective counties of the state shall not be liable for the payment of any claim for service rendered by any physician in the treatment of contagious diseases, unless such treatment shall be for the care of indigent persons who are a public charge.

SEC. 2950. [As amended by ch. 72, acts of 1913.] *Breaking of quarantine.*—Any person or persons confined in any quarantine established in this State under the provisions of this chapter who shall escape therefrom or attempt to escape therefrom, without having been dismissed upon the certificate or authority of the county health officer, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $25 nor more than $500 or by imprisonment not more than one year in the county jail, or by both such fine and imprisonment.

SEC. 2937. *Public buildings.*—It is hereby made the duty of all boards and agents having the control, charge, or custody of any public structure, work, ground, or erection, or of any plan, description, outlines, drawings thereof, or relating thereto, made, kept, or controlled by any public authority, to promote and facilitate the examination and inspection and the making of copies of the same by any officer or person by said board (State board of health) authorized; and the members of the State board may, without fee or hindrance, enter, examine, and survey all such grounds, erection, structures, buildings, and places.

SEC. 2941. *Duty of managers of hospitals, jails and public places.*—It shall be the duty of the officers, managers, superintendents, proprietors and lessees of all hospitals, asylums, infirmaries, prisons, jails, schools, theaters, public places and public institutions to remedy any and all defects relating to the

unsanitary condition of such institution, or institutions, as he may be under their control, when such defects shall have been called to their attention in writing by the board of health.

SEC. 2946. *Regulations.*—The State board of health shall also have authority to make rules and regulations for its own government and the direction of its officers for the better prevention of disease and the promotion of public health: *Provided*, That the rules so formulated, as provided for in this and the next preceding section, shall be published once annually in one newspaper of general circulation in each county in the State.

SEC. 2951. *Investigations—Recommendations.*—It shall be the duty of the State board of health, upon petition of at least 20 taxpayers in any community, to visit as a board or send a competent representative to any incorporated city or town in this State for the purpose of inspecting and thoroughly investigating the sanitary condition of such city or town, and the board shall have the power and it shall be the duty of the board to condemn, in any such city or town, any buildings, sewers, water connections, or other things that in their judgment are in such condition as is likely to produce or cause the spread of epidemic diseases. And the board shall give notice to the mayor and council of such city or town to repair, remove, cleanse, or remedy such defect or defects within 10 days, and if the same shall not be done within the time specified in said notice, as directed by the board of health, it shall be the duty of the said board to have same done; and the board is authorized to employ sufficient labor and furnish all necessary materials for the performance of such work, and it shall be the duty of the board, upon the completion of such work, to issue certificates to the person or persons performing such work and furnishing material therefor, and to file a report of the expense incurred in the performance of such work with the clerk of said city or town; and it shall be the duty of the council of such city or town where such work has been performed to issue warrant or warrants to the proper parties for the payment of all such expense. Said warrant or warrants to be paid by the treasurer of such city or town as other warrants are paid.

SEC. 2952. *Power of board to prescribe rules and regulations.*—The State board of health shall have power to prescribe rules and regulations for the management and control of communicable diseases, and to prescribe and fix penalties for the violation or refusal to obey such rules and regulations. And any person or persons violating or refusing to obey such rules and regulations or resisting or interfering with any officer or agent of said State board of health while in the performance of his duties shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by the imposition of such penalty as may have been designated by the said State board of health for the violation of said rule or regulation. Or in the discretion of the court said person may be punished by a fine of not more than $100, or imprisonment not exceeding 30 days, or both such fine of $100 and imprisonment for 30 days.

SEC. 2955. *Secretary of board—Authority in emergencies.*—In case of emergencies, when the board is not in session, the secretary, as the executive member of the board, shall have full authority to act for and on behalf of the board in carrying out and enforcing all rules and regulations of the board, and in directing the various county health officers, and in cooperating with said county health officers in enforcing the law, rules, and regulations of the board in their respective counties. And at each regular meeting of the State board of health the secretary shall make a full and complete report to the board for its approval.

SEC. 1702. *Powers, cities.*—They (the city council) shall have power to pre-

vent the introduction and spreading of contagious, infectious or malignant diseases into the city, and to create a board of health to make quarantine and other laws for that purpose, and to make and establish all quarantine ordinances or regulations as may be deemed necessary, and to enforce all such ordinances, laws and regulations within the city, and within two miles of the city; to acquire and hold land and property within and without the city for pest houses, hospitals, and own and regulate the same.

SEC. 5963. *Infected materials.*—Any person who shall knowingly have or use about his premises, or who shall convey or cause to be conveyed into any neighborhood, any clothing, bedding or other substance used by, or in taking care of, any person afflicted with the smallpox or other infectious or contagious disease, or infected thereby, or shall do any other act with intent to, or necessarily tending to the spread of such disease, into any neighborhood or locality, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall be fined in any sum not more than five hundred dollars, or imprisoned in the county jail not more than six months, or both; and the court trying any such offender may also include in any judgment rendered, an order to the effect that the clothing or other property infected be burned or otherwise destroyed, and shall have power to carry such order into effect.

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[The index refers chiefly to the Analysis. Those interested can consult the laws in the appendix.]

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